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Children and armed conflict

Report of the Secretary-General

I. Introduction

1. The present report, which covers the period from January to December 2009, is submitted pursuant to paragraph 19 of Security Council resolution 1882 (2009), by which the Council requested me to submit a report on the implementation of that resolution, resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005), as well as its presidential statements on children and armed conflict.

2. The first part of the report (section II) includes information on measures undertaken by parties listed in the annexes to end all violations and abuses committed against children in armed conflict that serve as indicators of progress made in follow-up to the recommendations of the Security Council Working Group on Children and Armed Conflict. The second part (section III) contains an update on the implementation of the monitoring and reporting mechanism established by the Council in its resolution 1612 (2005). The third part (section IV) of the report focuses on information on grave violations committed against children, in particular recruitment and use of children, killing and maiming of children, rape and other sexual violence against children, abductions of children, attacks on schools and hospitals, and the denial of humanitarian access to children by parties to armed conflict in contravention to applicable international law.[1] Where possible, this

[1] Applicable international law relating to the rights and protection of children in armed conflict includes, in particular, the Geneva Conventions of 1949 and obligations applicable under the Additional Protocols thereto of 1977, the Convention on the Rights of the Child of 1989, the Optional Protocol thereto of 25 May 2000, and the amended Protocol II and Protocol V to the Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, and the Convention on Cluster Munitions.

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section identifies trends or patterns of violations and provides an assessment of the progress or deterioration.

3. In accordance with the request of the Security Council, and taking into account the views expressed by the members of its Working Group on Children and Armed Conflict, the fourth part of the report (section V) provides information on the criteria and procedures used for listing and de-listing parties to armed conflict in the annexes of my report. And the final part (section VI) contains a series of recommendations.

4. By paragraph 3 of its resolution 1882 (2009), the Security Council requests that the present report include in the annexes, in addition to recruitment and use, those parties to armed conflict that engage in patterns of killing and maiming of children and or rape and other sexual violence against children in contravention of applicable international law. A conservative approach has been taken this year in determining the parties to be listed for these additional violations, given the limited time for country task forces to orient themselves with the listing criteria and requirements pursuant to resolution 1882 (2009).

5. The preparation of the present report involved broad consultations within the United Nations, in particular with the Task Force on Children and Armed Conflict at Headquarters, country task forces on monitoring and reporting, peacekeeping and political missions and United Nations country teams, as well as with concerned Member States and non-governmental organizations.

6. References to reports, cases and incidents in the present report refer to information that is gathered, vetted and verified for accuracy. In situations where the ability to obtain or independently verify information received is hampered by factors such as insecurity or access restrictions, it is qualified as such.

7. Pursuant to Security Council resolution 1612 (2005), in identifying the situations that fall within the scope of her mandate, my Special Representative for Children and Armed Conflict is guided by the criteria for determining the existence of an armed conflict found in international humanitarian law and international jurisprudence. In the performance of her mandate, my Special Representative has adopted a pragmatic and cooperative approach to this issue, with a humanitarian emphasis, aimed at ensuring broad and effective protection for children exposed and affected by conflict in situations of concern. Reference to a situation of concern is not a legal determination and reference to a non-State party does not affect its legal status.[2]

II. Information on measures undertaken by parties listed in the annexes to end all violations and abuses committed against children in armed conflict

8. The present section presents the specific measures and initiatives undertaken by parties during the reporting period to cease recruiting and using children, refrain

[2] See, for example, common article 2 of the 1949 Geneva Conventions, article 1 of Additional Protocol II of 1977 thereto, International Committee of the Red Cross, J. Pictet (ed.), *Commentary on the Geneva Conventions of 1949* (1958); and *Prosecutor v. Dusko Tadic*, Case No. IT-94, International Criminal Tribunal for the Former Yugoslavia Appeals Chamber (2 October 1995).

from committing rape and other sexual violence and or from killing and maiming children, as well as to address other grave violations against children during armed conflict for which they have been cited, in line with their obligations under international law and relevant national legislation.[1] These measures are based on a review of all pertinent sets of conclusions of the Security Council Working Group and recommendations in my country reports on the situation of children affected by armed conflict. They comprise the critical priority recommendations addressed to parties, based on which progress made by parties is assessed. They include:

(a) Engagement in dialogue with country task forces on monitoring and reporting, as called for by the Security Council in its resolutions 1539 (2004), 1612 (2005) and 1882 (2009), towards the preparation and implementation of action plans to end the recruitment and use of children, the killing and maiming of children, and rape and other forms of sexual violence against children;

(b) Release of all children from their ranks unconditionally through a formal process of disarmament, demobilization and reintegration in line with international standards;

(c) Addressing impunity for perpetrators through investigations, convictions or sanctions of those responsible for grave crimes against children;

(d) Reform or implementation of national legislation that criminalizes child recruitment, sexual violence or any of the other grave violations in line with international law;

(e) Any other specific measures to prevent the killing and maiming of children and or to prevent and combat the perpetration of rape and other forms of sexual violence against children.

A. Dialogue and action plans

9. Action plans to end the recruitment and use of child soldiers, and association of children, as well as to secure their release from armed forces and groups, were signed between the United Nations and the Moro Islamic Liberation Front (MILF), the Sudan People's Liberation Army (SPLA), the Government of Nepal and the Unified Communist Party of Nepal-Maoist (UCPN-M) on 30 July, 20 November and 16 December 2009, respectively. In conjunction with the MILF action plan, a supplemental general order for dissemination to all frontline commanders is being finalized to re-state the policy on non-recruitment of children within the MILF-Bangsamoro Islamic Armed Forces (BIAF), providing for, inter alia, the necessary sanctions for non-compliance and the establishment of child protection units within MILF-BIAF. A programme for the demobilization, rehabilitation and reintegration of children who may be found in the ranks of MILF-BIAF is planned to be put into place in 2010. The SPLA action plan, signed in the presence of my Special Representative for Children and Armed Conflict, will set a timetable for the release of children, defines continuous prevention measures against recruitment and re-association of children and grants the United Nations access to the military

[1] For more comprehensive information, see specific country reports of the Secretary-General on children and armed conflict submitted to the Security Council and its Working Group on Children and Armed Conflict.

barracks of SPLA to monitor and verify compliance. In Nepal, the signing of the action plan, witnessed by my Special Representative, resulted in the discharge and release of 1,843 personnel verified as minors in the United Nations-led verification process in 2007. The discharged minors will have access to a range of rehabilitation options provided by the Government, with assistance from the United Nations. A total of 1,130 children, the remainder of the caseload, did not present themselves, as many had fled on earlier occasions or were fearful to return to the cantonments. Those children will obtain discharge notifications and will be traced to their home communities for assistance and protection.

10. In the Central African Republic, although an action plan for the Armée populaire pour la restauration de la République et de la démocratie (APRD) had been negotiated and ready to be signed by the Government, the national "Comité de pilotage" and the United Nations since October 2008, it has been put on hold by the Minister of Defence, who requested that other parties to conflict listed in the annexes of my report, in addition to APRD, be included within the action plan.

11. Dialogue on action plans with parties to conflict is also ongoing in other country situations. In the Democratic Republic of the Congo, a draft action plan has been submitted to the Government. The Minister of Defence and the Chief of Staff of the Forces armées de la République démocratique du Congo (FARDC) have expressed their willingness to cooperate with the United Nations, although the Government has yet to engage formally in the discussions. A draft action plan is also under discussion with the Working Committee on the Monitoring and Reporting Mechanism of the Government of Myanmar. On 26 November 2009, the Government agreed to undertake the following steps identified in the draft action plan: to appoint a focal point from the Office of the Chief of Military Affairs Security, in addition to representatives from the Ministry for Foreign Affairs and the Ministry of Social Welfare and Resettlement; to cooperate with the United Nations so as to strengthen birth registration systems that facilitate age verification during recruitments; to provide awareness training on child rights and protection at all military recruitment centres and training schools; to issue directives stipulating disciplinary measures for recruiters and violators to all military divisions on the prohibition of recruitment of minors; to facilitate in-country access on specific requests by the United Nations, in conjunction with states and divisional coordination committees; and to facilitate visits by the United Nations to Government recruitment centres and military sites. Those positive commitments to the draft action plan should be accelerated and finalized in an urgent manner.

12. Important commitments to begin negotiations with the United Nations towards the development of action plans and the release of children were received from several parties in the Sudan. The leadership of the Sudan Armed Forces (SAF) agreed to consider the adoption of an action plan that also extends to pro-Government militia groups in Darfur. Commitments were also received from the Sudan Liberation Army (SLA)/Abu Ghasim (Mother Wing), SLA Free Will and the Justice and Equality Movement (Peace Wing), all of which are signatories to the Darfur Peace Agreement. SLA/Minni Minnawi agreed to allow continuous unhindered access to its military camps and areas of concentration for verification by the United Nations in compliance with an action plan it had signed in 2007.

13. In Afghanistan, the Government appointed a high-level focal point on 18 October 2009 to interact with the country task force on monitoring and reporting.

That was followed in December by the commitment to establish an intergovernmental steering committee on children and armed conflict, with the objective to develop an action plan to address issues affecting children in the context of the conflict. The official launch of the Government steering committee is scheduled to take place in early 2010. In Chad, the Government has, since July 2009, shown a consistent policy position and commitment against child recruitment, and is engaged in discussions with the United Nations, through its Defence Adviser, on the process towards development of an action plan. In Somalia, the United Nations Children's Fund (UNICEF) has undertaken to assist the Transitional Federal Government to prepare an action plan that would include measures to screen its troops, as well as the establishment of prevention mechanisms against the further recruitment of children.

14. In Sri Lanka, where an action plan was signed by the Tamil Makkal Viduthalai Pulikal (TMVP) in December 2008, distinct steps are being undertaken to ensure its implementation. A task force comprising the Government agent, the police department, the Sri Lankan army, the Department of Probation, the National Child Protection Authority and UNICEF was established in Batticaloa in January 2009. It meets on a monthly basis to monitor progress and address issues related to the action plan. In addition, the task force established a child welfare unit to provide assistance to families seeking information, orientation and support for the release of their children. This has contributed significantly to increasing the confidence of the population in the authorities and to reporting cases of child recruitment. Only five children remain associated with the group as of December 2009.

15. The United Nations country team in Myanmar, however, remains unable to establish contact and undertake formal dialogue with non-State armed groups listed in the annexes to my report, as the Government has not granted access to those groups. In the Philippines, the Government has not given its endorsement for the United Nations to directly engage the New People's Army (NPA) for the purposes of an action plan. In Colombia, the Government has also expressed concerns about dialogue with Colombian parties listed in my report and dialogue with my Special Representative continues in that regard.

16. During the reporting period, child protection dialogue has also resulted in some positive movement in the form of commitments by parties in Côte d'Ivoire to combating sexual violence against children, pursuant to Security Council resolution 1882 (2009). Consultations with the Government on a draft national action plan on sexual violence are currently under way. Furthermore, on 19 January, the Forces de défense et de sécurité des Forces nouvelles (FDS-FN) signed a programme of action to address sexual violence against children in areas under its control. This is expected to serve as a stopgap measure pending the establishment of the national action plan. On 20 February, the Chief of Staff of FDS-FN established a working group (groupe de travail et de suivi) composed of 14 members, to oversee the implementation of the programme of action in all zones under its control and has requested the United Nations to provide a comprehensive briefing on resolution 1882 (2009) to his cabinet. In a similar development, on 30 January, the leadership of the militia groups operating in western Côte d'Ivoire also committed to collaborate with the United Nations on preventing sexual violence, through a communiqué addressed to my Special Representative in Côte d'Ivoire.

B. Release of children through a formal process of disarmament, demobilization and reintegration

17. In Burundi, in response to the Declaration of the Special Envoys for the Great Lakes Region of 17 January 2009 and continued advocacy by the United Nations and the Political Directorate, as well as the regional initiative, eight focal points from Agathon Rwasa's Forces nationales de libération (FNL) were nominated to be responsible for facilitating the separation of children associated with FNL combatants. This encouraged real progress in discussions on the release of children associated with FNL, which culminated in pivotal success, with the formal release of the first group of 112 children on 2 April from the Rubira and Rugazi assembly areas. On 10 April, the remaining 228 children were released from five FNL pre-assembly areas. On 8 June, 40 children associated with alleged FNL dissidents in the Randa and Buramata assembly areas were also released. To date, all the children have been reunified with their families and there are no known children associated with armed groups in Burundi.

18. In the Democratic Republic of the Congo, during the reporting period 2,672 children, including 97 girls, were separated or escaped from the armed forces and groups during the "fast-track integration" process carried out in North and South Kivu. Of the 2,672 children, 2,032 were separated from the Congrès national pour la défense du peuple (CNDP), the Forces démocratiques de libération du Rwanda (FDLR) and its sub-groups, FDLR — Forces combattantes abacunguzi (FDLR-FC), FDLR — Rally for Unity and Democracy (RUD) and FDLR — Soki, the Forces des résistance patriotique en Ituri (FRPI), the front populaire pour la justice au Congo (FPJC), the Lord's Resistance Army (LRA) and the Mai-Mai groups in North and South Kivu, including the Patriotes résistants congolais (PARECO), the Mai-Mai Patriotes résistants, the Mai-Mai Alliance des patriotes pour un Congo libre et souverain, the Mai-Mai Mongols, the Mai-Mai Kasindiens, the Mai-Mai Ruwenzori and other unnamed, smaller Mai-Mai groups. The remaining 640 children were separated from the newly integrated FARDC units after the completion of the integration process. All those children were provided temporary care in transit and orientation centres or in foster families pending family reunification.

19. In north Sudan, 739 children associated with SPLA, the Eastern Front Movement, the Justice and Equality Movement (JEM), SLA Peace Wing and other armed groups aligned to the SAF registered for the disarmament, demobilization and reintegration process since the signing of the three peace agreements in the Sudan and have all been released. A total of 638 of those children have been benefiting from inclusive reintegration activities in nine states across the north of the country during the reporting period. In south Sudan, 56 children associated with SPLA have been demobilized since August 2009 and 35 children have been registered for the demobilization anticipated for 2010. This has been as a result of the establishment of the first child protection unit within SPLA headquarters, which consists of five SPLA officers and carries out joint monitoring and verification missions to SPLA barracks with the United Nations. Furthermore, the good collaboration between the North and South Sudan Disarmament, Demobilization and Reintegration Commissions for the reintegration of children in the Three Areas (Abuja, Southern Kordofan and the Blue Nile) is acknowledged. In Darfur, a decree by the Government of National Unity for the North Sudan Disarmament, Demobilization and Reintegration Commission to coordinate disarmament, demobilization and

reintegration activities in Darfur, in collaboration with the Darfur Security Arrangements Implementation Commission of the Transitional Darfur Regional Authority, has assisted in efforts to release and reintegrate children associated with armed groups. The Darfur child disarmament, demobilization and reintegration programme, endorsed in early July 2009, with UNICEF as the United Nations system lead, is based on an operational plan developed with six armed groups, including SLA Free Will, SLA/Abu Ghasim (Mother Wing), the Justice and Equality Movement (Peace Wing), SLA/Minni Minnawi, SLA/Peace Wing and the Movement of Popular Force for Rights and Democracy. A total of 387 children from SLA Free Will and SLA/Abu Ghasim (Mother Wing) have been disarmed and demobilized during the reporting period.

20. Despite the absence of a formal action plan with APRD in the Central African Republic, a contingency plan to assist the release of children was developed by the United Nations and child protection partners following the commitment by the group to demobilize all children in its ranks. As part of the implementation of this plan, APRD identified several cantonment sites for children and provided preliminary lists of children associated with the group for verification by the United Nations. During the reporting period, 652 demobilized children, including 52 girls, were assisted. In the north-west, 474 children, including 39 girls, were demobilized from APRD. All the children received immediate care in interim care centres or with foster families and have been successfully reunified with their families. An additional 174 children, including 13 girls, formerly associated with the Union des forces démocratiques pour le rassemblement (UFDR) in the north-east, were identified and assisted through community child protection mechanisms.

21. In Chad, with a view to verifying the presence of children and facilitating their release from the ranks of the Armée nationale tchadienne (ANT), the Ministry of Defence sent out orders to commanders of armed and security forces to grant access to military camps to the United Nations and the International Committee for the Red Cross for monitoring and verification. The Government also initiated and allowed joint verification visits by the United Nations to military barracks and training centres in Abeché, Koumboul, Moussoro and Mongo. Joint visits to the headquarters of the Armée de terre, the Gendarmerie nationale, the Garde nationale et nomade du Tchad (GNNT) and the Direction générale de sécurisation des services et institutions de l'Etat (DGSSIE) in N'Djamena were also undertaken in August 2009. As a result of those verification exercises, UNICEF has documented a total of 240 children who have been released from the following armed groups: Front pour le Salut de la République (FSR); Front uni pour le changement (FUC); Mouvement national pour le redressement (MNR); Rassemblement des forces pour le changement (RFC); Conseil démocratique et révolutionnaire (CDR); Union des forces révolutionnaires (UFR); Union des forces pour la démocratie et le développement (UFDD); Union des forces démocratiques pour le changement (UFDC); Union des forces démocratiques (UFD); Front populaire pour la renaissance nationale (FPRN); and Union pour le changement démocratique (UDC).

22. Following the end of the conflict in Sri Lanka, as of November 2009, a total of 560 "surrendee"[4] children, including 199 girls, were identified through the process

[4] A "surrendee" under the Sri Lankan Emergency Regulation No. 1580/5 of 15 December 2008, is a child leaving an armed group that has been identified and registered by the Government of Sri Lanka and verified by UNICEF.

of screening for former Liberation Tigers of Tamil Eelam (LTTE) combatants. Of the 560 children, 6 were formerly associated with the Tamil Makkal Viduthalai Pulikal (TMVP). Children have been separated from the adult surrendees and transferred to rehabilitation centres dedicated for children, in line with Emergency Regulation No. 1580/5 concerning the reintegration of children leaving armed groups. In the Poonthottam Cooperative Training Centre in Vavuniya, established as a child rehabilitation centre in July 2009, children undergo vocational training courses, while at the Ratmalana Hindu College, established in October 2009, children have resumed formal education. The process of screening is ongoing and small groups of children continue to be identified.

23. In Myanmar, according to official reports made available by the Ministry for Foreign Affairs, 87 child soldiers were released through Government mechanisms from January to December 2009. Progress has been made with respect to those reports, as they now include addresses and other contact details of the children, which assist the United Nations in verifying the release and in tracing the families of the children. In addition, under the International Labour Organization (ILO) Supplementary Understanding complaints mechanism for the elimination of forced labour, a total of 44 under age recruits were verified as discharged and reunited with their families in 2009. The Government working committee on the monitoring and reporting mechanism has also invited the United Nations to witness the discharge of eight children from the basic military training schools, recruitment centres and camps. During the reporting period, UNICEF and child protection partners provided reintegration services to 54 former child soldiers, in support of the Ministry of Social Welfare, Relief and Resettlement.

24. In Colombia, the Colombian Institute of Family Welfare (ICBF) continues to implement reintegration programmes, re-establishment of rights and psychosocial attention for children separated from illegal armed groups. From January to December 2009, information from ICBF indicated that a total of 218 children had been separated from the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP), 74 from the Ejército de Liberación Nacional (ELN) and 1 from the Ejército Popular de Liberación (EPL). In addition, according to ICBF, 22 children had been separated from other illegal armed groups which the Government considers to be criminals involved in drug trafficking. While many of those groups are dedicated to common criminal activities, others operate in a manner similar to that of the former paramilitary organizations.

C. Addressing impunity for perpetrators through investigations, convictions or sanctions of those responsible for grave crimes against children

25. In many of the country situations covered in the present report, the near total impunity for grave crimes perpetrated against children remains disturbing and poses a serious challenge for the protection of children. Despite several initiatives and commitments by some Governments to address impunity using national accountability mechanisms in 2009, including by initiating investigations, arrests and trials against members of armed forces or armed groups, with some resulting in convictions, impunity continues to prevail. The number of prosecutions of parties to conflict listed in the annexes of my report for the commission of violations against children remains small. Information received suggests that factors which undermine

the fight against impunity include: the lack of political will, weak legal and judicial infrastructures, as well as the absence of resources and expertise to conduct investigations and prosecutions. In some situations, there is deliberate obstruction of the course of justice and the failure to focus on command responsibility. Concerted effort must be made in establishing and maintaining the rule of law at the national level, as well as ensuring that perpetrators of crimes against children are held accountable in a manner consistent with international human rights norms and standards, as this has a critical deterrent effect.

26. In the Democratic Republic of the Congo, Mai-Mai commander Gedeon Kyungu Mutanga was convicted by the Haut-Katanga military court for crimes against humanity on 5 March 2009. This was the largest trial involving such crimes in the country and his conviction by the military justice system set an important precedent for those who suffered human rights abuses. On 3 June, the Kisangani military tribunal sentenced four members of a Mai-Mai group to life imprisonment and one to 30 years' imprisonment for crimes against humanity, in particular for the rape of more than 30 women, including 8 girls. In South Kivu, six FARDC elements were convicted for crimes of sexual violence against children during the reporting period. It is important to note, however, that while the efforts of military tribunals should be recognized, their jurisdiction should be restricted to military offences committed by military personnel, to the exclusion of human rights violations, which should fall under the jurisdiction of ordinary criminal courts. Where military courts have exercised jurisdiction, they must do so in accordance with international due process and fair trial standards.

27. Collaboration between the Government of the Democratic Republic of the Congo and the International Criminal Court has resulted in the arrest and transfer to the Court of Germain Katanga, a commander of the Forces de résistance patriotique en Ituri, and Mathieu Ngudjolo Chui, the former head of the Front des nationalistes et intégrationnistes and a colonel in FARDC. Both individuals are charged with the commission of war crimes and crimes against humanity, including the use of children in hostilities, attacks against civilians, as well as murder, rape and sexual slavery. Their trials resumed in January 2010.

28. There has been some cause for concern, however, despite those positive steps to investigate and prosecute violators in the Democratic Republic of the Congo, with the appointments of known perpetrators of grave crimes against children to Government or senior military positions. Jean-Pierre Biyoyo was made a colonel in FARDC despite being convicted by a military court in March 2006 for the abduction and illegal detention of children for the purposes of recruitment, while a leader of the Mudundu 40 militia. Bosco Ntaganda was made a general in FARDC in January 2009 despite being the subject of an arrest warrant issued by the International Criminal Court for the war crime of enlisting child soldiers and using them in hostilities, and Ndayambaje Nyangara Kipanga, convicted to life imprisonment in absentia by the military court in Goma on 27 July 2009 for the abduction and rape of three girls, escaped from prison and is reportedly within the command structure of FARDC.

29. In Sri Lanka, a TMVP cadre was arrested in Batticaloa in April 2009 for child recruitment and use, but was released after one week on bail without being charged. The cadre was reportedly killed following his release. The Government has not taken any additional action with regard to similar allegations. However, commitments to take steps to address allegations of recruitment and re-recruitment of children in Ampara district by errant TMVP cadre Iniya Barathi, referred to as

"commander", were made by officials during the mission of the envoy of my Special Representative for Children and Armed Conflict, Major General (ret.) Patrick Cammaert in December.

30. In Myanmar, in response to complaints lodged by ILO on under age recruitment by Tatmadaw Kyi officers, such administrative penalties as serious reprimands, the loss of wages or the loss of seniority have been imposed on 26 soldiers. In addition, a commissioned officer has been dismissed from the military and sentenced to one-year imprisonment, and two privates have been sentenced to imprisonment of up to three months with hard labour by the military courts.

31. In Colombia, according to a report by the Attorney-General, for the period from January 2008 to August 2009, 156 cases of recruitment, affecting 633 children, were received by its Human Rights Unit and a total of 13 persons were convicted. In addition, as of December 2009, the United Nations has confirmed information of the Justice and Peace Unit indicating that demobilized members of self-defence groups have begun giving testimony on 1,437 cases of child recruitment and have completed testimonies on 1,093 cases. Of those cases, 90 charges have been pressed, but there have been no convictions to date.

32. In Nepal, on 13 September 2009, a decision was finally issued by the Kavre District Court on the previously reported case of Maina Sunuwar, a 15-year-old girl who was tortured and killed by members of the former Royal Nepal Army in 2004. The court ordered the Nepal Army to turn over court-martial documents and immediately proceed with the automatic suspension of Major Niranjan Basnet, one of the four soldiers charged with Ms. Sunuwar's killing. Major Basnet had been deployed by the Nepal Army to serve with the United Nations Mission in the Central African Republic and Chad (MINURCAT). Upon the recommendation of the Department of Peacekeeping Operations of the Secretariat, in view of the serious nature of the allegations, Major Basnet was repatriated on 12 December. At the time of writing, he remains in the custody of the Nepal Army despite a formal request by the Nepal police for his arrest. Senior officers from the Nepal Army and the Minister of Defence have made statements challenging the court's jurisdiction over the case and indicating that the officer would not be turned over to the police until a military court of inquiry had completed an investigation into the circumstances of the repatriation.

33. In Afghanistan, a number of investigations were conducted into incidents involving, inter alia, the killing and maiming of children by military forces. Notably, an investigation led by the North Atlantic Treaty Organization was ordered into the events surrounding the air strike in Kunduz, in which 40 children were killed. There have been no known investigations by the Afghan National Forces and Afghan National Police for violations concerning children. The Taliban or other insurgent armed groups are responsible for the vast majority of violations against children.

D. Reform or implementation of national legislation criminalizing child recruitment, sexual violence or other grave violations against children

34. In 2009 a number of important new pieces of legislation were adopted or existing laws modified to prevent, prohibit and criminalize child recruitment and other grave violations against children, in line with State obligations under

international law. There have also been some significant successes in efforts to integrate child rights and child protection goals into national development plans and strategies, such as the national action plan for the child in Côte d'Ivoire.

35. As of 31 December 2009, the number of ratifications of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict has increased to 131 countries. My Special Representative continues to advocate with Member States for the ratification or accession to this important international instrument in order to give it the broadest possible legitimacy and force. Countries covered in the present report that have not ratified the Optional Protocol include the Central African Republic, Côte d'Ivoire, Haiti, Lebanon, Myanmar, Pakistan and Somalia.

36. On 10 January 2009, the Government of the Democratic Republic of the Congo promulgated a new law on child protection, replacing the decree of 6 December 1950 on juvenile delinquency. Under the law, for the first time, the recruitment and use of children under 18 years of age by armed forces, the police and armed groups are prohibited and can result in a prison term of 10 to 20 years. The law also sets the age of legal majority at 18 years and calls for the creation of special tribunals and police units for the protection of children.

37. In the Sudan, the Sudan People's Liberation Army Act of 2009, adopted on 10 February 2009, explicitly establishes 18 years as the minimum age required for enrolment into the SPLA forces. In addition, on 9 April 2009, the President of the Government of South Sudan inaugurated the Child Act of south Sudan, the first-ever law recognizing children's rights. The act criminalizes the recruitment and use of child soldiers, as well as torture and cruel treatment of children. Another example of major progress in this regard was the ratification of the Federal Child Act by the Sudan National Assembly on 29 December 2009. This new act brings Sudan's legislation in line with international standards, including the Convention on the Rights of the Child and its two Optional Protocols. The act prohibits the recruitment of children into armed forces or groups, ensures demobilization, reintegration and rehabilitation support for child soldiers and child victims of conflict, and abolishes the death penalty for any person under 18 years of age.

38. In Burundi the revised penal code adopted by the National Assembly on 22 April 2009 now prohibits the enlistment of children into the national defence forces, lays down that 18 years is the minimum age for conscription, raises the age of criminal responsibility to 15 years, provides alternatives to imprisonment and strengthens sentences against perpetrators of violations against children, in particular sexual violence.

39. Another significant development is the coming into force of the Child Soldier Prevention Act, on 23 June 2009, in the United States of America. The act restricts the provision of United States military training, financing and other defence-related assistance to countries identified as recruiting or using child soldiers in Government armed forces or Government-supported paramilitary organizations or militias, in violation of international law.

40. In Nepal, the Ministry of Women, Children and Social Welfare has initiated a draft of the child rights protection and promotion bill, which will include, among other provisions, criminalization of the recruitment of children in armed forces and groups. This process has been put on hold owing to the change of Government.

E. Other measures to prevent the killing and maiming of children and/or to prevent and combat rape and other forms of sexual violence against children

41. On 1 April 2009, the Government of the Democratic Republic of the Congo officially endorsed the Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo, developed in consultation with relevant ministries, non-governmental organizations, United Nations agencies and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). A plan that operationalizes the components of the comprehensive strategy was subsequently developed as the priority action plan for addressing sexual violence, including against children, in eastern Democratic Republic of the Congo and has been integrated into the wider national strategy against gender-based violence. Similarly, in the Sudan the Ministry of Justice of the Government of National Unity developed an action plan for combating violence against women and children in line with Security Council resolutions 1820 (2008), 1882 (2009) and 1888 (2009). The action plan defines key objectives and activities in five main areas, that is, legislative, health, social protection, awareness-raising and addressing impunity.

42. In October 2009 the Government of the Philippines and MILF panels signed the Agreement on the Civilian Protection Component of the International Monitoring Team, which reconfirms their obligations under international humanitarian law and human rights law to refrain from intentionally targeting or attacking non-combatants or to avoid acts that would cause collateral damage to civilians. The Agreement also includes provisions for the preservation of facilities vital for the survival of civilians, such as schools, hospitals and relief distribution sites. To give effect to the Agreement, both parties agreed to issue or reissue orders to their respective military units or security forces (including paramilitary organizations, associated militias and police units) to conduct their operations consistent with their obligations and commitments. In Afghanistan, a review was conducted by the International Security Assistance Force (ISAF) and the United States Forces in Afghanistan, leading to the issuance of a new tactical directive in July 2009. In 2010 a comprehensive analysis and review of ISAF standard operating procedures will be undertaken to ensure that international child protection standards are being met.

III. Information on progress made in the implementation of the monitoring and reporting mechanism

43. Following the listing of Al-Qaida in Iraq in my last report, the United Nations country team in Iraq endorsed the establishment of a country task force on monitoring and reporting in March 2009. The task force has not yet been activated owing to the lack of expertise on the ground; however, the training of partners aimed at improving the reporting and verification of child rights violations has been undertaken throughout the year. In Colombia, the country task force was formally established in January 2009, subsequent to the acceptance by the Government of the process in accordance with Security Council resolution 1612 (2005).

44. In 2009 four regional task forces on monitoring and reporting were established in the eastern, central, south-eastern and western regions in Afghanistan. Task force

members also increased the number of staff dedicated to monitoring and reporting mechanism activities. A child protection unit was established in the United Nations Assistance Mission in Afghanistan (UNAMA) in March 2009, consisting of a child protection adviser and a monitoring and reporting officer, although greater field presence is urgently required. Focal points on child protection were appointed in four of the Mission's eight regional offices to work with the regional task forces. In eastern Democratic Republic of the Congo, under the leadership of the MONUC child protection section and UNICEF, several working groups established pursuant to resolution 1612 (2005) have been set up, which act as sub-branches of the country task force in the field to ensure the regular reporting on grave violations of child rights. The Nepal country task force expanded its scope to monitor and report on armed groups, especially in the Tarai region and the eastern hills.

45. Given the presence of two distinctive peacekeeping operations in the Sudan, an agreement has been reached to establish a national task force on monitoring and reporting co-chaired by African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the United Nations Mission in the Sudan Deputy Heads of Mission with the UNICEF Country Representative. This unique arrangement of three co-chairs is intended to facilitate coordination and fulfil the requirements as outlined in my report on children and armed conflict in 2005 (A/59/695-S/2005/72), which specified the significance of the role of Special Representatives in any given conflict situation. Furthermore, to facilitate more effective monitoring of violations, UNAMID will enhance its existing capacities on the ground through the establishment of child protection field presence in the three states of Darfur.

46. In Côte d'Ivoire, the persistence of sexual violence against children across the country has resulted in the need to reactivate and strengthen the country task force in order to monitor and report on such violations with immediate urgency. Efforts in that regard are currently under way.

IV. Information on grave violations committed against children in armed conflict

A. Information on grave violations against children in situations on the agenda of the Security Council

Developments in Afghanistan

47. While detailed documentation is still difficult to obtain, available information indicates that a number of children were recruited or used by armed opposition groups throughout the country, including the Taliban, the Haqqani network, Hezb-i-Islami, the Tora Bora Front and Jamat Sunat al-Dawa Salafia. Cases were documented of children as young as 13 and 14 years of age who carried out suicide attacks or were used to plant explosives. This was further reinforced by the documentation of cases of children in Government custody allegedly under national security-related charges, which confirmed that a number of such children detained had been lured into carrying explosives or trained in conducting suicide-type attacks against national and international security forces or Government officials. Two children revealed that they had been kidnapped from Afghanistan and taken to Pakistan, where they underwent military training. Several cases of Pakistani

children used to conduct military-related operations in Afghanistan were also confirmed. Children also continue to be associated with the Afghan National Police.

48. During the reporting period, more than 1,000 children were killed or injured in conflict-related violence, victims of, inter alia, improvised explosive devices, air strikes, rocket attacks and mines and unexploded ordnance accidents. This is a marked increase from last year and is due mainly to the growth and spread of the insurgency, with armed groups being responsible for the vast majority of incidents. The southern region of Afghanistan (Helmand, Uruzgan, Kandahar) remains the most volatile, with the highest number of civilian casualties, including children, closely followed by the south-east (Khost, Ghazni) and east (Kunar, Nangarhar). A total of 128 children were killed by armed opposition groups, including the Taliban, in 2009. The reported child casualties were caused by suicide attacks, assassinations and improvised explosive devices, including at least five children who were killed while positioning or using explosives against pro-Government targets. Furthermore, from January to December 2009, 55 children were killed and 199 injured in mine accidents, the vast majority (205) of whom were boys. While the number of deadly air strike incidents remains limited overall, aerial bombings by international military forces caused the death of 131 children in 2009.

49. Available information points to sexual violence, including that against children, as a widespread phenomenon. The practice of *bacha bazi* and sexual abuse against boys is also a matter of concern. The general climate of impunity and the vacuum in rule of law has adversely affected the reporting of sexual violence and abuse against children to the authorities and the prosecution of perpetrators. According to the July 2009 report entitled *Silence is Violence*, drafted by UNAMA and the Office of the United Nations High Commissioner for Human Rights, perpetrators also include and are linked to local power holders, such as Government or elected officials, powerful commanders, members of illegal armed groups and criminal gangs.

50. The burning of schools or school equipment, forced closure, use of school facilities, damage from attacks, fighting or explosions from improvised explosive devices in the vicinity of school buildings or targeted military attacks and threats against pupils and educational staff have increased since my last report. A total of 613 incidents were recorded from January to November 2009 compared to 348 incidents reported in 2008. Those incidents were largely perpetrated by groups opposing the Government, but also by conservative elements in some communities that are opposed to the education of girls. Such incidents have spread throughout the country, with a notable increase in areas around Kabul, Wardak, Logar and Khost, and in the eastern provinces of Laghman, Kunar and Nangarhar. The situation in the southern region remains of great concern, while attacks have further spread to northern provinces previously considered relatively safe, such as Takhar and Badakhshan. Reports indicate alarming figures of schools closed in certain areas, such as in Helmand (more than 70 per cent) or in Zabul (more than 80 per cent). During the reporting period, at least 23 pupils were killed and 342 suffered serious or minor injuries from such incidents, while 24 teachers and education personnel lost their lives and 41 were injured throughout the country.

51. There were also continued attacks on health workers and facilities, forcing many to close or scale down services, effectively cutting off hundreds of thousands of Afghan children from basic health care, in particular in Kandahar, Nimroz,

Kunar, Khost, Helmand, Wardak, Nangahar and Kunduz. While 31 incidents were reported in 2008, the number of incidents nearly tripled to 115 in 2009 and includes the abduction, killing and assault of medical staff, personal threats from armed groups, burning, looting and forced closure as well as the use of explosives in and around health facilities by armed groups. Abduction of health workers by armed groups, including vaccinators and support staff, was by far the most reported violation. Search operations conducted by national and international military forces in health facilities, and occupation of health facilities were also denounced as a serious breach of international standards.

52. Increased incidents targeting the aid community continue to adversely affect the delivery of humanitarian programmes throughout the country, with significant peaks in Kunduz, Kandahar and Herat. A total of 163 incidents attributable to armed groups, including complex attacks against humanitarian agency compounds and aid vehicle/convoy ambushes, and numerous threats to aid personnel were recorded in 2009.

53. Countrywide, approximately 110 children have been detained by the National Directorate of Security and international military forces on charges related to national security, including their alleged involvement or association with the Taliban and other armed groups. Access to detention facilities continues to be difficult and information on children detained by pro-Government forces remains limited. The use of harsh interrogation techniques and forced confession of guilt by the Afghan National Police and the National Directorate of Security was documented, including the use of electric shocks and beating.

Developments in Burundi

54. The United Nations has verified that all children associated with the Forces nationales de libération (FNL) were released through a formal disarmament, demobilization and reintegration process in June 2009, and reunified with their families.[5] It has also been confirmed that FNL has ceased recruitment and since June no new reported cases of recruitment or use of children by the group have been recorded. On the basis of this information, FNL will be removed from the lists annexed to my report this year. The country task force will continue to monitor compliance by FNL and its alleged dissident groups to ensure that continuous efforts are made to prevent the recruitment or re-recruitment of children.

55. However, sexual violence against children continued to be of serious concern during the reporting period. An increase was noted with regard to the number of rape cases committed by civilians, while cases committed by members of security and defence forces have decreased since July. From January to November, four cases of rape were committed by members of the Burundi National Police, 7 by the National Defence Forces and 4 by FNL members. This is a marked decrease compared to the 42 cases attributed to those actors in 2008.

56. In addition, I remain concerned by the reports on militant activities of youth groups allegedly associated with certain political parties that are generating fear and suspicion. The United Nations Integrated Office in Burundi has received reports about members of the youth wing of the ruling Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) party, the

[5] See para. 17 above for the total number of children released from FNL.

Imbonerakure, being involved in community patrols, guarding premises and accompanying public and police officials during arrest procedures, allegedly sanctioned by the authorities.

Developments in the Central African Republic

57. Child recruitment continues to be a serious concern in 2009, with active mobilization of a large number of children into the ranks of self-defence militias throughout the country, in particular in Nana-Mambéré, Ouham-Pendé and Ouham prefectures. It is estimated that children constitute one third of the total self-defence militias. There are concerns that those militias are supported by the Government of the Central African Republic and are being used as auxiliaries by the Forces armées centrafricaines (FACA). The United Nations has observed an increased and open presence of armed children linked to those militias along main roads in Bocaranga and Bouar/Niem. The Union des forces démocratiques pour le rassemblement (UFDR) and the Convention des patriotes pour la justice et la paix (CPJP), which had split from UFDR, were also recruiting and using children in the frontlines in the Vakaga area of north-eastern Central African Republic. Between 200 and 300 children remain present in the Armée populaire pour la restauration de la République et de la démocratie (APRD),[6] the Forces démocratiques populaires de Centrafrique (FDPC) and the Mouvement des libérateurs centrafricains pour la justice (MLCJ). Furthermore, approximately 100 children are estimated to be associated with Chadian *zaraguinas* present in the Nana-Gribizi and eastern Ouham areas. The *zaraguinas* are from the Central African Republic, the Sudan, Chad, Cameroon, Mali and Uganda, and on occasion are made up of elements from the Central African Republic rebel groups or from the Chadian and the Central African Republic armed forces.

58. The situation in the south-eastern region was particularly alarming, following repeated incursions and the presence of LRA in Obo, Bambouti, Zemio, Djema and Mboki villages, in Haut-Mbomou prefecture. LRA continues to abduct and forcibly recruit children and use them as combatants, spies, sex-slaves and porters. A total of eight Central African children and young mothers who had escaped were received in reception centres in the Democratic Republic of the Congo and repatriated under United Nations auspices. At least 23 other Central African children reached their communities in Haut-Mbomou on their own from the neighbouring Democratic Republic of the Congo and/or southern Sudan.

59. Incidence of rape and sexual violence against children by armed elements is of grave concern. The United Nations confirmed 108 cases of sexual violence against children in the north-west in the reporting period, with rebel groups and armed bandits (*coupeurs de routes*) among the perpetrators.

Developments in Chad

60. Recruitment and use of children, in particular in eastern Chad, by the Armée nationale tchadienne (ANT) and different armed groups continued in 2009. All the children recruited were boys, mainly from 14 to 17 years of age, with several as young as 12 years of age. The Government of Chad stated that there was no policy to recruit children; however, on several occasions, Government officials have

[6] See para. 20 above for the total number of children released from APRD.

admitted the presence of children among their ranks. During the reporting period, MINURCAT documented 26 cases of child recruitment by ANT. According to the United Nations Office of the High Commissioner for Refugees, 15 of those children were refugees and were recruited in March 2009 by ANT, which promised the children CFA francs 400,000 each (US$ 900) to join the armed forces. To date, 19 children remain associated with ANT.

61. Persistent and corroborated reports have also indicated the active recruitment of Sudanese children from refugee camps by the Justice and Equality Movement (JEM), in many instances with the full complicity of local camp leaders. At least 17 children were recruited, with some having been used as combatants in clashes between JEM and the Sudan Armed Forces in south Darfur. Throughout 2009, MINURCAT also received 56 reports of children disappearing under suspicious circumstances from the Abéché, Farchana, Goz Beida and Iriba refugee camps, of which 16 children were confirmed to have been recruited by JEM. The remaining 40 children were also suspected to have been recruited.

62. A total of 84 children were identified among Union des forces révolutionnaires (UFR) combatants captured by Government forces following clashes in Am Dam in May, although interviews with the children and adult combatants indicate that the number of children who took part in the battle was significantly higher. From June onwards, a massive process of voluntary defections from Chadian armed opposition groups took place. Approximately 5,000 former members of such groups, mainly from the Mouvement national (MN), a coalition made up of the Union des forces pour la démocratie et le développement rénové (UFDD-R) of Issa Moussa Tamboulet, the Mouvement national pour le redressement (MNR) of Mahamat Ahmat Hamid and the Front pour le salut de la république (FSR) of Ahmat Hassaballah Soubiane, as well as from other armed groups,[7] laid down weapons and joined Government forces. Among those who disarmed, 155 children were identified and released. There are no more children associated with those groups.

63. Within the MINURCAT area of operations in eastern Chad, it has been established that the mine threat is relatively low. However there is concern about the possibility of new mines being laid by Chadian armed opposition groups. In 2009 the Mine Action Unit identified 36 new casualties resulting from mines and explosive remnants of war in the Wadi Fira, Quaddai, Salamat and Sila regions, including 19 persons killed and 17 injured. Children from 3 to 15 years of age were the biggest casualty group, with 11 killed and 17 injured.

64. In eastern Chad, women and girls face the threat of rape and other forms of sexual violence by the militia, armed groups and ANT, and some cases have been recorded. However, owing to the lack of comprehensive data and information, there is insufficient evidence to suggest that sexual violence against children is a systematic feature of the conflict in Chad.

65. The prevailing insecurity in eastern Chad and the recent surge in attacks against aid workers and humanitarian assets have forced some aid agencies to suspend operations in some areas in the east, thus leaving thousands of children in need of relief support. The kidnapping of humanitarian workers has become a new and disturbing trend in eastern Chad.

[7] See para. 21 above for the total numberof children released from the Mouvement national pour le redressement and other armed groups.

Developments in Côte d'Ivoire

66. Child protection officers in the United Nations Operation in Côte d'Ivoire (UNOCI) continue to monitor compliance by FDS-FN and militia groups with their respective action plan commitments on recruitment and use of child soldiers by conducting regular verification visits to checkpoints, areas around camps or military sites, police stations and customs posts. Both the leadership of FDS-FN and militia groups agreed to an "open door" policy with UNOCI, whereby any allegations of the use of child soldiers can be immediately investigated with their full cooperation and with unrestricted access. During the reporting period, there was no substantiated evidence of child-soldier use by those parties.

67. The prevalence of rape and other forms of sexual violence against children remains the most urgent concern in Côte d'Ivoire, with no substantial improvement compared to the previous reporting period. The situation is more serious in the northern parts of the country controlled by FDS-FN and is aggravated by the continued impunity of perpetrators. There is a similar concern in the western parts of the country under the control of pro-Government militias.

68. The number of cases of killing and maiming of children has also increased notably in 2009 and is linked to the other grave violations, such as abduction or rape and sexual violence. Although in several instances the perpetrators were identified as FDS-FN elements, the majority of violations are perpetrated by individuals or groups, often unidentified, who take advantage of the current lack of administration of justice. Perpetrators remain unidentified for a number of reasons: in most cases victims do not know their aggressor and they are reluctant to press charges owing to fear of reprisal or revenge, in particular in cases involving FDS-FN elements; poor administration of justice; and the general widespread culture of impunity that often results in many cases going unreported.

Developments in the Democratic Republic of the Congo

69. In 2009 the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) documented 848 newly recruited children (including 52 girls). Of those recruitments, 77 per cent took place in North Kivu province, 10 per cent in South Kivu province, 7 per cent in Katanga province, 4 per cent in Oriental province and 1 per cent each in Maniema and Kasai Oriental provinces.[8] Perpetrators include the national armed forces, the Forces armées de la République démocratique du Congo (FARDC) (24 per cent), Mai-Mai factions (26 per cent), the Patriotes résistants congolais (PARECO) (31 per cent), the various factions of the Forces démocratiques de libération du Rwanda (FDLR) (10 per cent) and the Congrès national pour la défense du peuple (CNDP) (9 per cent). Furthermore, 15 cases of new recruitment of children were attributed to the Forces de résistance patriotique en Ituri (FRPI). There were no new recruitments by the Front nationaliste et intégrationnaliste (FNI).

70. A total of 473 new cases of child recruitment were attributed to FARDC. The increased presence of children within the ranks of the national armed forces compared to the previous reporting period was a result of the fast track process that integrated armed groups into FARDC, as well as new recruitment operations in

[8] See para. 18 above for the total number of children released from the armed forces and groups in the Democratic Republic of the Congo.

Katanga and the Kasais. It appears that children recruited in those provinces during general recruitment drives have been transferred to such regroupment centres as Kamina, in Katanga, or Kitona, in Bas-Congo, for military training. The documentation of 64 children in the Kamina centre indicates that the Presidential Guard recruited them before and during their deployment in Haut-Uélé (Oriental province). Child protection actors experienced several obstructions and sometimes blunt refusals from FARDC to access those sites and identify children for their release. Many of the children that have escaped from remaining armed groups, but especially from FDLR, reported that they were detained by FARDC elements, sometimes over extended periods of time.

71. In the first four months of the year, 238 new cases of child recruitment by CNDP were registered in North Kivu before the military wing of CNDP officially ceased to exist. However, in the second half of 2009, a new surge of recruitment and re-recruitment of children, in particular in Masisi territory, North Kivu, was attributed to integrated former CNDP elements within FARDC. A total of 154 children were reported to have been recruited by former CNDP elements currently operating as FARDC.

72. No specific trends or patterns of killing and maiming of children could be identified during the reporting period. Nevertheless, 23 cases of killing and 12 cases of maiming were documented. Nine cases of killing were attributed to FDLR, six to FARDC, two each to the National Police and PARECO, and one to FRPI. In three cases, the group could not be identified. Four cases of maiming were reportedly perpetrated by FARDC, four by FDLR, one by the National Police and three by unidentified armed men.

73. Sexual violence against children continued to be a widespread phenomenon despite a slight decrease compared to the previous reporting period. In Oriental province and the Kivus, of 2,360 cases that were reported to have been committed against children, 447 have been attributed to security forces and armed groups, 38 cases were allegedly committed by FARDC, 30 by the National Police and 379 by several Mai-Mai groups, FDLR, FRPI, the Front nationaliste et intégrationnaliste (FNI), LRA and non-identified people in uniform.

74. In December 2008 a new surge of abduction of children and killings in Haut-Uélé district of Oriental province was attributed to LRA. Attacks against civilians by that group, including killings, abductions and pillaging, which triggered significant population displacements, continued in 2009. During the reporting period, 130 children (77 boys and 53 girls) were reportedly abducted by LRA. Most of them were abducted for the purpose of recruitment and 14 were reported to have suffered sexual violence. Of those children, seven were allegedly recruited in the Sudan and two in the Central African Republic.

Developments in Haiti

75. The devastating earthquake that struck Haiti on 12 January 2010 has dramatically increased the vulnerability and risks of children to abuse and exploitation, since such conventional protection environments as children's families, schools and churches have been weakened and destroyed, and security and order have been disrupted. Thousands of children have been orphaned, lost or otherwise separated from their families, while many more face serious threats of abduction, trafficking, sexual exploitation and association with criminal elements. According to

UNICEF, half of the Haitian population is under 18 years of age, and almost 40 per cent is under 14 years of age. Concerted efforts must be made to protect children, including ensuring that priority is given to reinforcing security and control along the border with the Dominican Republic and at international airports, establishing rapid registration and tracking systems as well as safe spaces for separated children, reuniting children with their families or caregivers and providing physical and psychological support for the long term. Furthermore, criminal elements who have escaped from prison constitute a serious threat to the security of children, especially in terms of recruitment of children to criminal gangs. The Government of Haiti has been heavily involved in investigating cases of abuse against children, as well as their movement across borders without proper authorization.

76. Prior to the earthquake, efforts by the Haitian National Police, working in close cooperation with the United Nations Stabilization Mission in Haiti (MINUSTAH), dismantled a number of kidnapping rings towards the end of 2009, which resulted in a significant decline in reported kidnappings of children from 89 cases in 2008 to only 21 cases (15 girls and 6 boys) in 2009. The arrests of armed elements and gang leaders involved in child abductions and an improved security situation, as well as the increased capacity of the Haitian National Police to solve abduction cases were factors that contributed to the reduction in the number of children abducted. According to information gathered by MINUSTAH with regard to those abductions, children remain particularly vulnerable within school surroundings and on their way to or from schools. It has also been observed that girls who are abducted are commonly exposed to sexual abuse and rape during captivity.

77. Killing and maiming of children within the context of armed violence in Haiti were relatively rare during the reporting period. Statistics collected by United Nations police serving with MINUSTAH demonstrated a decline in the number of children killed over the last two years, from 38 cases in 2008 to 21 cases in 2009.

78. The rape of children committed by armed elements in the context of insecurity and impunity continued to be reported, predominantly in the urban areas of the West department. According to information received by United Nations police serving with MINUSTAH, 162 children, including 3 boys, from 2 to 18 years of age, were victims of rape from 1 January to 9 December 2009. According to the Concertation nationale contre les violences faites aux femmes, the principal coordination mechanism for sexual and gender-based violence in Haiti, of 291 cases of sexual violence documented in the West, North-east and South-east departments, 186 cases were committed against children. It was also reported that although gang rapes against children appeared to have decreased in general, cases in the proximity of areas affected by armed violence had increased. Despite efforts to document incidences of rape and sexual violence, a large number of cases remain underreported.

79. It is important to note that reference to "heavily armed groups" was no longer applicable to the Haiti security situation prior to the earthquake. MINUSTAH instead refers to "criminal syndicates" in areas affected by armed violence, such as Martissant, Bel-Air and Cité-Soleil. Those groups are comprised of about five persons, are well organized and armed with clear criminal motivations. They have been seen using children to, inter alia, provide early warning to members when security forces are conducting operations, carry weapons and intervene in armed

confrontations, act as spies, carry out arson attacks or destroy private and public property, and undertake various other services for the groups.

80. There has been an increase in the number of children in detention since the last reporting period, with 328 children detained at the end of 2009 compared to 297 children (including 30 girls) in 2008. The arrest of children charged with association with criminal and armed activities, including such serious crimes as kidnapping, rape and murder, continued to be reported. In the West department, approximately 56 per cent of children (14 per cent of whom were girls) arrested were charged with crimes associated with criminal and armed activities, in addition to nine children suspected of association with gangs involved in criminal activities in Gonaïves. The prolonged pre-trial detention of children and the lack of separate and adequate detention facilities for children remained a serious concern during the reporting period.

Developments in Iraq

81. Police and military sources, community members, the media and United Nations partners have reported the continuing recruitment of children by armed groups for acts of terror, including as suicide bombers. The children were reported to have been tricked, coerced or enticed with financial incentives. Some of the children used as suicide bombers were girls. Apart from Al-Qaida in Iraq, several insurgent groups reportedly have children in their ranks and have used them in conflict-related activities. Al-Qaida in Iraq had taken responsibility for the terrorist attacks in Ninewa, Kirkuk, Salahadin and other areas in Iraq in 2009, in which, according to United Nations partners, children were used. Information provided by the Multi-National Force-Iraq (MNF-I) in Kirkuk relayed four cases of children, from 14 to 16 years of age, used by insurgents as suicide bombers or to throw grenades at security forces, in Kirkuk in April and May 2009.

82. Since the implementation of the monitoring and reporting mechanism in April 2009, 142 violent incidents, in which children were reported to have been killed or injured, were documented. In 10 of those incidents, where it had been possible to confirm the information, a total of 223 children were killed or injured. In a double truck-bombing in Ninewa (Khazna village in Bartala district) on 10 August, 177 civilians were killed or injured, of whom 76 were children. Another huge bomb explosion outside a mosque in Mosul resulted in 236 persons killed or injured, of whom 87 were children. The large number of child casualties was attributed to the fact that many of the bomb attacks took place in public areas, including markets and outside mosques, where children tend to gather.

83. The high profile attacks on Government institutions and security forces suggest a new trend and tactic by insurgents. However, they have also resulted in large casualties among children. The Baghdad bombings of 25 October, targeting the Ministry of Justice and the Baghdad Provincial Council building, hit a bus carrying children from a day-care centre next to the justice Ministry, killing the driver and 24 children on board, as well as wounding 6 other children. The Islamic State of Iraq group claimed responsibility for the bombings.

84. A total of 110 children have been arrested by Iraqi authorities on suspicion of being involved in terrorist activities or have been convicted for their involvement in a terrorist activity. United Nations partners reported that 25 of those 110 children, the majority of whom were from 15 to 18 years of age, from a juvenile rehabilitation

facility in Ninewa, are accused of being involved in terrorist activities, 4 of whom have since been convicted. Other reports indicate that 62 male adolescents were arrested by Iraqi security forces and detained in a juvenile detention centre in Baghdad for alleged terrorism under the anti-terrorist legislation. Efforts to gather information on the remaining 23 children have been futile so far. There are also allegations that suggest significant numbers of children are being detained in Tikrit and Basra.

Developments in Lebanon

85. Owing to the five-month delay in forming a Government after the 2009 parliamentary elections, the United Nations has faced some major difficulties in taking up child protection issues with the Government of Lebanon. The collection of accurate and credible evidence on the association of children with armed groups remains problematic because of the lack of independent monitoring mechanisms. A monitoring and reporting mechanism to track emerging patterns of children's involvement in political violence, which was agreed to by the Government following the visit of my Special Representative to Lebanon in 2006, has yet to be established.

86. The United Nations, child protection partners and human rights agencies were concerned with the continued politicization of youth and children, and their active participation in armed clashes between opposing political forces, often involving the Lebanese Armed Forces. In the past, this has led to the arrest of children under terrorism charges. Some of these children were held owing to their alleged association with Fatah al-Islam. A total of 12 children are currently awaiting trial by the Justice Council or the military courts, neither of which conforms to international child protection standards and therefore offer little protection to children.

87. The presence of cluster munitions used by Israel during the 2006 war continues to present a serious danger to the civilian population living near contaminated areas. Children are especially exposed to the risk of serious incidents associated with such munitions. After repeated requests by the United Nations, the Government of Israel transferred cluster bomb strike data to the United Nations Interim Force in Lebanon in May 2009, which has enabled the Lebanese Mine Action Authority and the United Nations Mine Action Coordination Centre to identify previously unknown strike sites and begin clearance. The Lebanese Armed Forces consider this data to be incomplete and call for further submissions. In 2009 30 separate accidents occurred, mostly in south Lebanon, one of which was fatal. Among the injured, four were children below 14 years of age. Since July 2006, 276 civilians have been injured or killed, among them 96 children.

Developments in Myanmar

88. The United Nations country task force on monitoring and reporting continues to face challenges related to access to Government armed forces (Tatmadaw Kyi) recruitment units, schools and camps in order to carry out its monitoring and verification exercises. The task force also had extremely limited access to non-State armed groups during the reporting period and was unable to establish contact with many of those groups owing to Government restrictions. Therefore, although there have been reports of the recruitment and use of children in all the groups listed in my previous report, the United Nations has not been able to fully verify, or in the

cases of the Kachin Independence Army (KIA), the Karenni National People's Liberation Front (KNPLF), the Karen National Union-Karen National Liberation Army Peace Council, the Shan State Army-South (SSA-S) and the United Wa State Army (UWSA), to obtain any new information.

89. New information received by ILO indicates that recruitment and use of children by the Tatmadaw Kyi continued during the reporting period.[9] Reports have recently been received from Shan state (north) and Ayeyarwaddy division, indicating that the Tatmadaw Kyi is ordering Village Peace and Development Council chairmen to organize mandatory military trainings for village militias known as "Pythusit". A trend may be emerging in both those regions, where adult males, who are the primary breadwinners of the family, are unable to attend the military training sessions and are sending their children instead. There are also reports that in some instances in Ayeyarwaddy division, children who have completed the village militia training are being recruited into the Tatmadaw Kyi. The country task force is still attempting to verify those reports.

90. ILO has verified a report that an under age boy who was recruited into the Tatmadaw Kyi and had taken a direct part in hostilities, had been convicted of murdering a colleague and sentenced to death. The sentence has not yet been carried out and the case has been urgently raised by ILO with the Government authorities in respect of his recruitment, his treatment under the law and his future.

91. In Kayin state, information received indicated that the Democratic Karen Buddhist Army (DKBA) had scaled up its recruitment efforts and many children reportedly have been recruited in 2009. The reports also indicated that DKBA was actively recruiting in order to meet the quota of 6,800 soldiers to form border guards under the command of the Tatmadaw Kyi as part of a plan allegedly agreed by the Myanmar Government and some non-State armed groups. Many children, all armed, were seen working for DKBA-run businesses, in particular DKBA-run toll gates. In one of the townships in Kayin state, locals estimate that at least 50 children are working for DKBA in their township alone. The country task force has verified four cases of recruitment of children from 10 to 16 years of age, including one girl, who were used as porters.

92. Reliable information received in March 2009 through the country task force indicated that every household in Myanmar National Democratic Alliance Army (Kokang Army) areas with more than one child has to provide at least one child to the group. According to the reports, both boys and girls, including those under 15 years of age, are recruited and families that have more daughters than sons will, in most cases, send their girls. Some child soldiers have also been witnessed manning the Kokang Army checkpoints during the clashes in Kokang state in August 2009. However, since the defeat of the Kokang Army shortly thereafter, there are indications that the group has disintegrated and it is unclear as to what has happened to the child recruits.

93. On 18 April 2009, the Executive Committee of the Karenni National Progressive Party (KNPP) issued a press release, in addition to a communiqué sent to my Special Representative in February 2009, highlighting the fact that it has invited the United Nations on several occasions to monitor its military bases and areas of operations, has offered open and independent access for compliance verification

[9] See para. 23 above for the total number of children released from the Tatmadaw Kyi.

and has expressed its willingness to have an dialogue with the United Nations. It noted that, in accordance with the Karenni state constitution, article 29 (5), all under age children shall be free from conscription into the Karenni Army and appealed for the group to be removed from the annexes. On 25 April, the Karen National Union (KNU) issued a similar press release, in addition to calling upon the Government of Myanmar not to limit United Nations access to its areas. The groups also committed to investigate any allegations of child recruitment received. During the reporting period, a boy 14 years of age was confirmed present in KNU as was a boy 17 years of age in KNPP.

94. Villagers and internally displaced persons, including children, in locations along the eastern border areas of Myanmar continue to suffer serious threats to their lives from the effects of the use of anti-personnel mines. Karen National Liberation Army (KNLA), Tatmadaw Kyi and DKBA soldiers have been responsible for laying mines in Karen areas. Two cases of boys 13 years of age, maimed by landmines, were recorded during the reporting period. It is important to note that, owing to the limited scope of data collection and the lack of access to contested and ceasefire areas of the country, there may be more casualties that remain unreported.

95. Since the clashes in Kokang in August and the resulting tension that had spread to Wa state, local district authorities in Wa have prevented access to the north-western area that is close to the border with China because of the scaling-up of the United Wa State Army (UWSA) presence. As a consequence, food-for-education programmes, benefiting around 1,450 children from 46 community schools in that area, were suspended.

Developments in Nepal

96. There were no cases of recruitment or use,[10] killing and maiming of children or sexual violence against children by the Unified Communist Party of Nepal-Maoist (UCPN-M) during the reporting period. However, reports indicate that many children are involved in the youth wings of major political parties, such as the UCPN-M-affiliated Young Communist League (YCL), the United Marxist Leninist-affiliated Youth Force and the Nepali Congress-affiliated Tarun Dal. Friction between cadres from those youth wings has continued, with violent clashes taking place in the eastern and mid-western regions, resulting in injuries on all sides. The country task force reported that a significant number of children participated in 42 protests and demonstrations in 2009, of which 14 were organized by UCPN-M and its sister organizations, including YCL and the All Nepal National Independent Students Union-Revolutionary (ANNISU-R). While all political parties are accountable for the activities of their respective youth wings and should ensure that the activities are carried out within the limits of the law, a particular responsibility rests with UCPN-M to fulfil its commitments to end the violent activities of YCL. Furthermore, the protests resulted in the frequent closure of schools: 120 separate instances of school closures were reported, of which 36 were related to the series of protests, rallies and demonstrations organized by UCPN-M and its sister organizations.

97. In 2009 64 casualties, including 7 deaths and 28 severe injuries from victim-activated explosions caused by mines, improvised explosive devices and such other

[10] See para. 9 above for more information on the action plan signed by the United Nations, the Government of Nepal and the Unified Communist Party of Nepal-Maoist (UCPN-M), and the total number of children released as a result.

explosive devices as hand grenades and socket bombs, were documented. A majority of incidents involved children from 5 to 14 years of age. In one case of the explosion of an improvised explosive device, a Tarai-based armed group, the Tarai Rastriya Mukti Sena, claimed responsibility. In three other cases, other Tarai-based armed groups, including the Madhesi Freedom Tigers, the Nepal Defence Army and the Great Madhesi Revolutionary Army, were identified as perpetrators.

98. Public security remains an issue of serious concern in many Tarai districts and impeded the ability of the country task force to monitor and verify information on grave violations against children. However, 10 cases of children abducted by Tarai armed groups and criminal gangs were documented. Some children were also found to be involved with Tarai armed groups as messengers and, in some cases, children were used for cross-border smuggling.

Developments in the Occupied Palestinian Territory and Israel

99. At the close of 2009, the effects of Israel's military operations in Gaza, codenamed "Operation Cast Lead", from 27 December 2008 to 18 January 2009, were still being felt across the Gaza Strip. Thousands of Gaza residents, including children, are still living in alternative or temporary accommodation and many schools, health facilities and parts of vital water and sanitation infrastructure networks have not been rehabilitated or repaired. The ongoing blockade by Israel and the resulting lack of necessary materials in Gaza make such repairs and rehabilitation difficult.

100. A total of 374 Palestinian children were killed and 2,086 were injured during the reporting period, including at least 350 killed and 1,815 injured in Gaza alone during "Operation Cast Lead" by Israeli forces. The Israel/occupied Palestinian territory working group on grave violations against children confirmed 12 cases of Palestinian children who were killed while bearing arms and acting as combatants during "Operation Cast Lead". The working group also confirmed one case of recruitment of a 16-year-old boy by the armed group Ezz al-Din al-Qassam Brigades. The actual number of cases is believed to be higher and there had been other reported incidents of children being trained and/or used by Palestinian militant groups in Gaza. Community members are, however, reluctant to provide information on this practice.

101. The working group confirmed reports of seven Palestinian children used by Israeli soldiers as human shields in three separate incidents during "Operation Cast Lead." The office of Israel's Military Attorney-General is investigating those incidents, although the United Nations is unaware of the actual process under way or the outcome of the investigations to date. On 11 March 2010, the Military Advocate for Operational Affairs brought criminal charges against two Israel Defense Forces staff sergeants who ordered a nine-year-old Palestinian child to open bags and suitcases suspected of being booby-traps. The criminal investigation of this case was launched in June 2009, following the report of my Special Representative for Children and Armed Conflict. The indictment was filed with the District Military Court for offences of excessive authority that endangers life or health and of unbecoming conduct.

102. Since the end of the offensive in January 2009, 24 children were killed and 271 were injured in incidents involving Israeli gun and tank fire in the Gaza buffer zone as a result of unexploded ordnance, and in settler-related incidents in the West

Bank and East Jerusalem. One Israeli child was killed during the reporting period and three Israeli children were injured in two separate incidents in the West Bank. The working group was able to verify three incidents of Palestinian inter-factional fighting during 2009, resulting in the injury of six children and the deaths of two others. The two children, allegedly affiliated with the Jund Ansar Allah group, were killed in armed clashes between Hamas-affiliated security forces and members of the Jund Ansar Allah group in the southern Gaza town of Rafah.

103. No children were harmed as a result of rocket attacks from the Gaza Strip on Israeli communities in adjacent areas. However, attacks and the threat of attacks are known to cause high levels of prolonged anxiety among Israeli children residing there and among Palestinian children in Gaza.

104. In 2009 the working group documented at least five children who were requested to become informers for the Israeli intelligence while being subjected to violent interrogation by the Israeli authorities. The actual figure is suspected to be much higher, but as testifying puts the lives of the concerned children at risk, the United Nations does not actively seek information on this practice.

105. The number of Palestinian children arrested and detained by Israeli military authorities rose sharply at the beginning of 2009, immediately after the start of "Operation Cast Lead", but has decreased steadily since then, although remaining systematic and widespread. As of December 2009, 305 children were being detained. There are serious concerns regarding the rise in the number of young children, from 12 to 15 years of age, being detained, with 42 children in that age category being held in Israeli detention in December 2009 compared to 30 in December 2008. The United Nations has documented over 87 reports of ill-treatment and torture of Palestinian children during the reporting period, including 6 reports of threats of rape and sexual assault against the children to elicit confessions or in some cases collaboration from child detainees. Israeli authorities stress that the Israel Security Agency operates in strict compliance with Israel's Supreme Court ruling (HCJ 5100/94), which states that investigations are free of torture, cruel inhuman treatment and any degrading handling, and absolutely prohibits the use of "brutal or inhuman means" in the course of an interrogation. Israeli authorities also stress that note should be taken of Israel's commitment to investigate any allegation, irrespective of the source, and of Israel's concern that more information should be provided in order to enable the appropriate authorities in Israel to investigate and respond substantively, where appropriate.

106. On 29 July 2009, the Israeli military commander in the West Bank, Major General Gadi Shamni, issued a new military order (Military Order No. 1,644) establishing a juvenile military court in the West Bank. This attempt to incorporate juvenile justice standards within the military court system was met with concern by the United Nations Committee on the Rights of the Child during its session in January 2010. Since the order came into effect on 1 October 2009, lawyers have observed that the military court judges, who adjudicate on juvenile matters in the West Bank, also continued to preside over cases involving adults. However, unlike previously, children under 16 years of age are now tried separately from adults and are brought into the courtroom individually, but are still taken to the courts from the detention facilities with adults.

107. In Gaza, 18 schools were destroyed and more than 260 were damaged, including 5 schools run by the United Nations Relief and Works Agency for

Palestine Refugees in the Near East, by Israeli forces during "Operation Cast Lead". In some cases, the Israel Defence Forces forcibly entered school compounds and used schools as interrogation centres. The lack of materials for reconstruction and rehabilitation of schools, coupled with chronic shortages of educational supplies as a result of an ongoing blockade forced thousands of students to learn in overcrowded schools operating on double shifts and often under unsafe and unsanitary conditions. To date, very few of the destroyed or damaged schools have been rebuilt or repaired. In addition, discrimination and neglect by Israeli authorities in East Jerusalem and Israel-controlled area C of the West Bank have also jeopardized children's right to education. Inadequate structures, including tents, shacks and crude cement structures, are being used as schools owing to the difficulties in obtaining building permits needed to expand and upgrade existing schools and build new ones to accommodate the student population in area C, while in East Jerusalem, each year large numbers of Palestinian children are denied admission in the municipal schools run by the Jerusalem municipality and the Israeli Ministry of Education owing to a shortage of over 1,000 classrooms.

108. Almost half of Gaza's health facilities were damaged or destroyed during "Operation Cast Lead" and Gaza's health-care system is currently unable to provide adequate responses to children's health-care needs. As a result, some patients must seek treatment outside Gaza — in the West Bank, East Jerusalem, Egypt, Jordan and Israel — for a wide range of medical assistance. During the reporting period, while 1,407 of 1,648 applications for children who sought to obtain medical assistance outside Gaza were approved, nine children in Gaza died while waiting for the appropriate permits to travel outside Gaza. In 2009 there was also an increase in the number of interrogations at Erez crossing, including the interrogation of children leaving Gaza for medical treatment.

109. Throughout 2009, the continuing high rate of settler violence against children was registered. Palestinian children continue to be shot, beaten and threatened while walking to school, grazing their livestock or playing outside their homes. According to reports, it has been revealed that a new pattern of violence has emerged since 2009, which suggests that Israeli settlers undertake attacks against Palestinians and their property in response to attempts by the Israeli authorities to dismantle "unauthorized" settlement outposts, raising additional concerns regarding the protection of Palestinian children. The Office for the Coordination of Humanitarian Affairs has documented at least two such incidents, in which 11 children were attacked by settlers. It is suspected that there are many more incidents that remain unreported. Perpetrators are never held accountable. This underscores the need for greater enforcement by the Israeli Government of the rule of law where violent settlers are concerned.

Developments in Somalia

110. Over the past year there has been growing evidence regarding the widespread recruitment and use of children by all warring parties. The United Nations carried out research in June 2009 which confirms that the recruitment of children has become more systematic and widespread. The insurgent group Hizbul Islam reportedly had 30 persons dedicated to recruiting children and the group is estimated to have around 500 active child soldiers. While very active in the central and southern regions, Al-Shabaab is also reportedly recruiting in Puntland and Somaliland, and is training children in Bay, Bakool, Galgaduud, Hiran, Mogadishu and

Raskiambooni. In March 2009 alone, Al-Shabaab reportedly recruited 600 children. At the Galduuma base, on the border of Bay region, Al-Shabaab has allegedly recruited 1,800 children, some as young as 9 years of age. In Raskiambooni training camp, Al-Shabaab trains boys, some as young as 12 years of age, and every six months, 270 students graduate to operational units.

111. While recruitment of girls has been rare and is generally regarded as socially unacceptable, there are documented accounts of girls working for armed groups, in particular in cooking and cleaning. Girls are also brought in to transport detonators, for logistics and for intelligence collection, though they do receive weapons training as well. An Al-Shabaab training camp for about 120 girls is located near Kismayo, where girls learn intelligence-gathering techniques, how to transport explosives, and driving. Girls are also reported to be recruited for marriage to young combatants.

112. The current Transitional Federal Government is also reported to be recruiting and using children, although the recruitment pattern by the Government forces is said to be less systematic. During the early months of 2009, the Transitional Federal Government, especially members of the former opposition group, the Alliance for the Re-liberation of Somalia-Djibouti, is alleged to have trained about 3,000 new recruits, approximately 50 per cent of whom were under 18 years of age. Before its defection to the Hizbul Islam, the freelance KM60 militia, aligned to the Transitional Federal Government, also had about 50 children in its ranks. Those numbers have increased now that the militia is part of Hizbul Islam.

113. Humanitarian actors have expressed concern over the recruitment of young men and boys from north-eastern Kenya, including from Dadaab refugee camp, to fight alongside the Transitional Federal Government in Somalia. The Transitional Federal Government and the Government of Kenya have denied press reports making such allegations. The Minister of Defense of Kenya and other members of Parliament stated in mid-November 2009 that a training programme exists, but claim it is intended for Somali recruits to join the Transitional Federal Government army and police. No Kenyan or Somali official has admitted to recruiting inside Kenya-based refugee camps, which contravenes fundamental principles of refugee law. In October 2009 the Kenyan Parliamentary Committee on Defense and Foreign Relations said it would look into the matter and expected to report to the House of the Parliament. The United Nations country team in Kenya has expressed concern with the Government of Kenya at the highest levels, urging the Government to redouble its efforts to ensure the protection of all children in Kenya. UNICEF and the United Nations country team continue to monitor the issue closely.

114. During the year, monitors reported more than 280 children as having been killed in the conflict and more than 550 wounded. However, the total number of child casualties is estimated to be much higher. Access by child protection monitors to first-hand information and to direct contact with child victims of the violence has been critically compromised by security concerns, especially in the second half of the year. Typically, in the current conflict, children are being injured or killed as a result of crossfire, mortar attacks, or grenade launches. Significant concerns have been raised by the shelling of civilian areas by the Transitional Federal Government and troops of the African Union Mission in Somalia during the last four months of 2009, and the indiscriminate nature of their return fire when attacked by insurgent groups, which has resulted in hundreds of civilian deaths, including a large number of children. Children also continue to be the victims of explosive remnants of war,

predominantly unexploded shells, grenades and mortars from the recent conflict, but also landmines or pieces of ordnance remaining from previous years of clan fighting and border disputes. Since the United Nations began systematic surveillance in the second half of 2009, 49 child casualties have been recorded, including 14 deaths as a result of those incidents.

115. Reports of sexual violence against children have remained at the same levels during 2009 as compared to 2008, but that is a generalized abuse occurring in all regions of the country and there is no indication that it is being used as a tactic of war by the parties to conflict. Reported cases of sexual violence by uniformed and armed individuals have decreased since my last report, and less than 1 per cent of the 415 documented cases of rape were confirmed as perpetrated by either Government-associated armed forces or anti-Government groups.

116. In 2009 more than 60 schools were closed in Mogadishu, while more than 10 schools were temporarily occupied by armed forces. Schools were damaged and destroyed, and students were killed or injured, during exchanges of fire between forces of the Transitional Federal Government and anti-Government armed groups. In other instances, soldiers threatened students and teachers, and destroyed school facilities. Hospitals were also hit by mortar shells, resulting in their temporary or permanent closure, and were compromised by the lack of sufficient manpower, supplies of medicines and other equipment. Medical personnel received death threats, including those in Medina Hospital, Mogadishu, who were accused of treating Government soldiers and receiving support from enemies of Islam.

117. Humanitarian access in general has vastly deteriorated during the year. The new wave of hostility against humanitarian aid work in Somalia is putting the lives of Somali children at great risk. United Nations agencies have now withdrawn all international staff and most of their national staff from central and southern Somalia. That action followed the takeover of the UNICEF office in Jowhar in May and the United Nations offices in Baidoa and Wajid in July by factions of Al-Shabaab. The looting and destruction of life-saving humanitarian supplies and equipment in the UNICEF office in Jowhar have enormously affected the ability of the Fund to deliver services to the most vulnerable children. The United Nations Development Programme, the United Nations Political Office for Somalia, the United Nations Department of Safety and Security and, more recently, the United Nations mine action programme for Somalia, were accused by Al-Shabaab of working against the interests of Islam and instructed to leave immediately. In October 2009 Al-Shabaab announced that all international relief organizations were banned from operating in Somalia, in particular in areas that were under its control. Many partner organizations have reported threats and invasions into their offices. As such, their personnel are operating under a constant threat to their lives.

Developments in the Sudan

118. Although there are no reports of active child recruitment by the Sudan People's Liberation Army (SPLA), the demobilization of children from the group remains a concern.[11] Some children who had previously been demobilized by the South Sudan Disarmament Demobilization and Reintegration Commission had

[11] See para. 9 above for more information on the action plan signed between the United Nations and SPLA; see also para. 19 above for the total number of children released from the group.

voluntarily rejoined SPLA in order to carry out military and domestic chores for the army. While SPLA has made efforts to remove children from payrolls, some children interviewed stated they were still receiving salaries to support their families. Joint field visits to Unity state by UNICEF, UNMIS, the SPLA Child Protection Unit, the South Sudan Disarmament Demobilization and Reintegration Commission and the Ministry of Social Development in August 2009 revealed that some of the children who were demobilized, reunified with their families and attending school in Warrap state had re-joined SPLA in Unity state after they were informed by SPLA officers that their salaries were ready to be collected. Children also remain or return to military barracks as they have access to food, shelter and even some schooling provided by SPLA. However, SPLA expressed concerns regarding the inadequate provision of reintegration services for the released children and it had little choice but to provide such services to the children itself. The lack of provision of such services by the United Nations is due to the lack of capacity and resources, among other constraints. This has made it increasingly difficult for the United Nations to continue advocating for the release and integration of children. Furthermore, there have been reports of re-recruitment of 33 former child soldiers by SPLA in Blue Nile state and the families of 23 of those children confirmed the re-recruitment. UNICEF, UNMIS and the North Sudan Disarmament Demobilization and Reintegration Commission are following up on this as a matter of priority with SPLA forces in Kurmuk.

119. In Darfur, the association of children with the Sudan Armed Forces (SAF), Government forces such as the Central Reserve Police and Border Intelligence Forces, and pro-Government militias remains a concern, although the numbers have decreased compared to the previous reporting period. It should be stressed that the Government has no policy to recruit children and directives have been issued in that regard. In 2009 there were 20 reported incidents of association of children with SAF, involving 65 children, in all three Darfur states. In addition, UNICEF documented a total of 315 children associated with armed groups: 72 children in North Darfur; 166 children in West Darfur; and 77 children in South Darfur. Those children were observed with SLA/MM, SLA/Abdel Wahid, the Justice and Equality Movement (JEM), Chadian opposition armed groups and unknown armed elements.[12] The majority of children were observed in West Darfur state, though logistical and security issues affected monitoring ability in North and South Darfur.

120. The Lord's Resistance Army (LRA) sporadic attacks and incursions into villages and abductions continue to cause civilian deaths and remain a threat to children in southern Sudan, in particular in Western Equatoria state. As a result of such attacks, 177 Sudanese children have been abducted, 18 have been killed and 19 have been injured in 2009. The number of children who escaped or were rescued from LRA increased in 2009 as a result of the joint military operations by the Uganda People's Defence Force (UPDF), FARDC and SPLA. From January to November 2009, a total of 192 LRA-affected children, including 154 Sudanese, 35 Congolese and 3 Ugandans, were rescued. Ten girls who returned were pregnant or had babies. Of the 154 Sudanese children, 9 were repatriated from the Democratic Republic of the Congo and 6 from the Central African Republic. In addition, 9 Congolese children were handed over by the UPDF to FARDC and 37 persons

[12] See para. 19 above for the total number of children from armed groups in north Sudan, including Darfur.

were repatriated to the Central African Republic. The majority of Ugandan children picked up by UPDF forces operating in southern Sudan, however, are returned directly to Uganda without the United Nations in Sudan being notified, despite requests to do so.

121. A presidential amnesty was granted for the remaining children who were involved in the JEM attacks on Omdurman, Khartoum state, in May 2008, in line with advocacy by child protection partners. All detained children were released and no criminal measures were taken against them. The children have been handed over to their families and are currently benefiting from reintegration services.

122. An upsurge in inter-communal violence in Jonglei state among the Lou Nuer, Dinka and Murle accounted for many of the deaths and child abductions reported in 2009. Since March 2009, there have been four brutal massacres involving at least 2,500 victims, most of whom were women and children. The increased targeting of women and children in inter-communal conflicts occurring throughout southern Sudan has been a recent and disturbing trend.

123. Child abduction also continued in the context of conflict between and within tribal communities in Jonglei state. Official figures provided by the Jonglei state Government indicated a total of 227 children who were abducted both by the Murle and the Lou Nuer groups in Pibor county from November 2008 to November 2009. Most of the cases were attributed to the Murle, although the identity of perpetrators can be difficult to ascertain and abductions are not exclusive to the Murle. It is believed that most cases go unreported and that overall numbers could be significantly higher. There has been minimal progress in securing the release of those children. As of the end of the reporting period, approximately 30 children from Jonglei state, Central and Eastern Equatoria States and the neighbouring Gambella region of Ethiopia have been rescued from their abductors.

124. In Darfur, cases of rape and sexual violence against children were often allegedly committed by men in uniform and attributed to military, police personnel, armed-group factions and militia men. However, in general, victims and witnesses provide little information on the identity of the alleged perpetrators and the uniforms alone do not always substantiate the alleged perpetrators' affiliation. Other alleged perpetrators do not wear uniforms and are unidentified. The persistent allegations indicate that sexual violence remains a major concern in Darfur, taking into consideration that many cases remain unreported owing to stigma and fear. The climate of conflict resulting in insecurity and breakdown of law and order exacerbates the prevalence of sexual violence; however, there has been no substantiated evidence during the reporting period that such violations are systematically perpetrated upon orders by the leadership or field commanders of the parties to the conflict.

125. It is anticipated that the recent developments deriving from the Doha peace dialogue and normalization of relations between the Sudan and Chad may have positive implications for children.

B. Information on grave violations against children in situations not on the agenda of the Security Council or in other situations of concern

Developments in Colombia

126. The Government of Colombia is continuing to implement a comprehensive policy to prevent the recruitment and use of children by illegal armed groups. It has established a high-level Intersectoral Commission that sets up social, family and institutional networks aimed at reducing the risks of recruitment of children, focusing on those departments and municipalities that are especially vulnerable. The Government also continues to carry out programmatic efforts to reintegrate into their communities those children who have been separated from illegal armed groups.

127. During the reporting period, recruitment and use of children by illegal armed groups continued as an extensive, systematic and habitual practice. Although the true magnitude and territorial coverage remains unknown, the United Nations observed a significant increase in the information received on cases of recruitment of children by the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP) in the departments of Antioquia, Arauca, Cauca, Cesar, Chocó, Guaviare, Meta, Nariño, Putumayo, Tolima, Valle and Vaupés; as well as by the Ejército de Liberación Nacional (ELN).[13] The children were used in hostilities, to recruit other children, to act as spies and gather intelligence, to serve as sex slaves and to provide logistics support. Resistance or attempts to escape have exposed some children to torture or death. Reports indicate that schools remained a major venue for recruitment by those groups. Many adolescent girls considered pregnancy as a means to avoid being recruited by illegal armed groups. Threats of child recruitment continued to cause the displacement of local populations, in particular in the departments of Putumayo, Vaupés and Nariño, in 2009. There is also evidence that indigenous children have been increasingly subjected to recruitment.

128. Recruitment and use of children is also a practice by illegal armed groups that were formed from units of the demobilized former United Self-Defences Forces of Colombia (Autodefensas Unidas de Colombia (AUC)). Those groups are not homogeneous in terms of their motivation, structure or modus operandi. The Government considers all those groups to be criminal gangs which are principally involved in illegal activities, especially in the production and commercialization of drugs. However, while many are dedicated only to common criminal activities, others operate in a manner similar to that of the former paramilitary organizations. Some of the groups have a military structure and chain of command, and are capable of exercising territorial control and sustaining military-type operations. Moreover, they have a political and ideological orientation similar to that of the former AUC. In May 108 members of an unidentified illegal armed group, among them 12 boys and 2 girls, surrendered to the National Armed Forces in the department of Chocó.

129. Information was received on the use of children for intelligence purposes by members of the National Armed Forces, in violation of the Code on Children and Adolescents (Law No. 1098) and directives by the Ministry of National Defence. Reports indicated that members of the Army had offered food as an incentive to

[13] See para. 24 above for the total number of children released from FARC-EP and ELN.

boys and girls in exchange for information on the presence of illegal armed groups in rural areas of Valle del Cauca. The National Armed Forces also continue to use children in civic-military activities and maintain specific programmes for children despite the fact that the Code on Children and Adolescents expressly requires the State to refrain from using children in military activities, psychological operations, civic-military campaigns and similar programmes. In the first half of 2009 members of the Army entered rural schools in Meta department in order to make contact with the students within the framework of the *lanceritos* programme, through which children were taken to the Brigade Command facilities, participated in helicopter tours and received food. There is a concern that such activities, when undertaken in conflict-affected areas, may put children at risk and expose them to subsequent retaliation by members of illegal armed groups.

130. Children continue to be victims of indiscriminate attacks carried out by illegal armed groups, or caught in clashes between illegal armed groups or between illegal armed groups and national security forces. In some instances, children have been threatened with death or killed by illegal armed groups on suspicion of being informants for the national army. According to the Presidential Programme for Comprehensive Action against Anti-Personnel Mines (PAICMA), from January to October, anti-personnel mines laid by illegal armed groups, mainly by FARC-EP and ELN, resulted in the deaths of 9 children and injury of 24 children.

131. Information received confirmed cases of sexual violence committed against children by illegal armed groups. Although there is no systematic information on the number of cases of sexual violence against children perpetrated by illegal armed groups, there is evidence that child members of such groups are subjected to grave sexual violence. They are required to have sexual relations with adults at an early age and many girls have been forced to abort if they become pregnant. Three cases of rape and sexual violence by members of security forces were also documented in 2009.

132. Schools have been damaged as a result of hostilities and, in many instances, owing to anti-personnel mines planted by members of FARC-EP. There are also concerns about the continued occupation of schools by members of the National Armed Forces in Cauca department during the reporting period. In addition, military barracks or police quarters have been installed in close proximity to several schools in conflict areas in Putumayo and Nariño departments.

133. Clashes among illegal armed groups, or between the armed groups and the National Armed Forces, the presence of landmines, as well as attacks by FARC-EP on humanitarian missions, have largely limited humanitarian access and the delivery of humanitarian assistance to villages in conflict-affected areas, such as Arauca and Putumayo.

134. In March the Government approved Presidential directive No. 001, a comprehensive initiative to strengthen the coordination of military and social efforts in strategic zones of Colombia, as part of the overall objectives established in the Government's democratic security policy. In August the 29th Command of the FARC-EP declared all the projects within the framework of Presidential directive No. 001 in Nariño department to be legitimate military targets. That threat was also made to international cooperation agencies, which could potentially jeopardize the delivery of humanitarian assistance and thus affect children. Dialogue is ongoing

between the Government and members of the humanitarian community on the implications of that policy for access and safety of humanitarian personnel.

Developments in the centre/east states of India

135. Reports of recruitment and use of children by the Maoist armed groups, also known as the Naxalites, especially in some of the districts in the Chhattisgarh state were received by the United Nations. According to a statement by the Ministry of Home Affairs on 20 October 2009, information gathered from intelligence inputs has indicated forced recruitment of children by the Naxals in areas south of Chhattisgarh. The statement also refers to the Naxals exhorting villagers to provide five boys or girls for their armed group. Those reports are consistent with findings by India's National Human Rights Commission, which stated in its submission to the Supreme Court in August 2008 that the Naxals forced many families to send at least one adolescent boy or girl to join their ranks. Other credible reports indicate that many children are abducted or forcibly recruited from schools. The Naxals have claimed that children were used only as messengers and informers, but have admitted that children were provided with training to use non-lethal and lethal weapons, including landmines. It must be noted that the Naxalite problem is spread over several states in the centre/east of the country.

136. The Naxals have also carried out systematic attacks on schools in order to intentionally damage and destroy Government structures and to instil fear among the local community. This has been confirmed by the National Human Rights Commission in its findings (as well as by the National Commission for the Protection of Child Rights, following its visit to Dantewada district, Chhattisgargh, in January 2009) that some schools remained closed or abandoned as a result of continued Naxalite bombings of school buildings, especially those occupied by security forces for protection. The state Government and Jharkhand police indicated that they had vacated 28 of 43 schools in Naxalite-affected districts of the state and were in the process of vacating 13 more. However, by September 2009, the Jharkhand High Court issued a ruling calling for security forces to vacate all educational premises as early as possible.

137. The Government of India strongly condemns the acts of the Naxalites and has committed itself to control those activities. The Government, together with concerned state authorities, has undertaken specific actions, including awareness-raising programmes through the media and mass contact, establishment of new schools under its programme for universal elementary education (*sarva shiksha abhiyan*) in all villages as well as ashram schools, and the strengthening of integrated child development and pre-school education centres in all areas.

Developments in north-west Pakistan

138. In a statement made on 28 July, the Federal Minister for Religious Affairs of Pakistan, Syed Hamid Saeed Kazmi, said that children were being recruited by terrorist and extremist groups and used for suicide attacks, and that the enticement of children to join such groups was the most serious challenge facing the Government. Furthermore, in the submission of its States party report of 19 March to the Committee on the Rights of the Child, the Government of Pakistan stated that it was taking strict measures to stop recruitment of children by non-State actors, in

addition to initiating reforms to streamline and regulate the madrasahs that were the major source of children going into armed conflict.

139. The United Nations in Afghanistan confirmed several cases of children from Pakistan used in hostilities in Afghanistan, as well as two cases of Afghan children who were abducted and taken to north-west Pakistan where they underwent military training. This calls for more attention to cross-border issues.

Developments in the Philippines

140. It should be noted that reports on grave violations against children may only be indicative, as the country task force continues to face tremendous challenges with regard to the monitoring of child rights violations. The limited number of verified incidents may be attributed to a number of factors, including inadequate human resources capacity for the monitoring and reporting mechanism, as well as safety and security considerations in affected areas. A significant portion of south-western Mindanao continues to be highly restricted to United Nations travel, as armed skirmishes between non-State groups and Government forces intermittently erupt, a situation compounded by the tangible threat of abduction. That situation complicates the verification, monitoring and response activities for grave child rights violations, in particular in the restricted areas of Zamboanga, Sulu and Basilan provinces in Mindanao.

141. During the reporting period, reports on recruitment and use of children by the Moro Islamic Liberation Front (MILF)[14] and the New People's Army (NPA) were received consistently according to United Nations partner organizations, although the reports could not be verified. In addition, although children have been reportedly associated with Abu Sayyaf units, no accurate estimate of the number of children is currently available. A total of six cases of children used by the Armed Forces of the Philippines (AFP) to carry supplies, for intelligence purposes, or who had been illegally detained for their alleged association with MILF recalcitrant commands or NPA have been documented by the country task force. In one case, three children were blindfolded and mistreated by elements of the 7th and 40th Infantry Battalions of the Philippine Army (IBPA) in an attempt to obtain confessions regarding their membership in MILF.

142. From January to December 2009, 12 children killed and 40 injured were recorded. There has been a considerable increase in incidents involving the use of improvised explosive devices in populated areas, in particular by the Abu Sayyaf, causing more casualties among the civilian population, including children. Mortar shelling by AFP during clashes with MILF has also caused serious injuries to some children.

143. Ten incidents of attacks on schools and hospitals have been verified by the country task force from January to December 2009, where in several instances children were injured as a result. All incidents resulted from ongoing clashes between the military and non-State armed groups. Furthermore, accounts of schoolteachers abducted in Zamboanga and Sulu provinces by members of the Abu Sayyaf caused fear among the civilian population and disrupted the learning activities of children in conflict-affected areas.

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[14] See para. 9 above for more information on the action plan signed between MILF and the United Nations.

Developments in the southern border provinces of Thailand

144. The overall situation improved somewhat in 2009 owing to measures taken by the Royal Thai Government, in close cooperation with the local communities. Nevertheless, information based on interviews by child protection partners with Government officials, family members of affected children, members of civil society, village headmen and religious representatives indicates that there are concerns relating to the involvement of children in activities of armed groups in the southern border provinces of Thailand in 2009. Credible reports indicate that children begin carrying out tasks for armed groups from approximately 13 years of age, which may include acting as lookouts, spraying graffiti messages and destroying State property. The United Nations country team in Thailand has informed my Special Representative that it is not in a position to monitor, report or verify allegations of grave violations against children in the conflict-affected areas of southern Thailand, based on its activities in the area.

145. The ongoing serious commitment and effort by the Royal Thai Government to protect the safety and enhance the development of children in the southern border provinces are commendable. In my annual report last year, reference was made to the intention of the Government to investigate any alleged abuse by State authorities, such as the irregular detention of children, and to undertake a systematic review of its laws, including the Emergency Decree. According to the Government, it carried out in 2009 a systematic review of relevant laws and formal investigation mechanisms, as well as human rights training for security personnel. However, there are credible reports that indicate that children detained for alleged association with armed groups are not guaranteed their rights under Thailand's Juvenile Justice Act. That remains a concern, while the Government maintains that to date there are no children in irregular detention.

146. The overall trend of attacks on schools, teachers, students and education personnel in 2009 was similar to the one observed in 2008. According to the Ministry of Education, 9 schools were burned and 10 teachers and education personnel as well as 32 students were killed or injured in 2009, while 6 schools were burned and 14 teachers and education personnel as well as 31 students were killed or injured in 2008.

Developments in Sri Lanka

147. There has been no evidence of significant recruitment by the Tamil Makkal Viduthalai Pulighal (TMVP)[15] in 2009. TMVP, formerly led by Vinayagamoorthy Muralitharan (also known as Karuna), has been reconstituted and is now under the control of former Liberation Tigers of Tamil Eelam (LTTE) cadre Sivanesathurai Chandrakanthan (also known as Pillayan). From December 2008 to November 2009, 21 cases of child recruitment were reported, 78 children were released and only 5 children remain associated with the group. TMVP declared that those children were not in their ranks and police investigations are ongoing in each of those cases. In addition, 60 persons who were recruited as children and are currently over 18 years of age remain associated with the group.

[15] See para. 14 above for more information on the action plan signed by TMVP, the Government of Sri Lanka and the United Nations.

148. Reports of recruitment by LTTE continued to be received until the end of the conflict in May 2009. UNICEF verified and documented 397 cases of child recruitment, including 147 girls, by LTTE that occurred from 1 January to 19 May 2009. As of the end of November 2009, UNICEF recorded at least 34 children as well as 1,345 persons who were recruited as children but are now above 18 years of age, whose whereabouts remain unknown.[16] LTTE appears to have ceased to exist as a military organization in Sri Lanka.

149. During the mission to Sri Lanka by the Special Envoy of my Special Representative for Children and Armed Conflict, a number of reports were received on recruitment of children and threats of re-recruitment by Iniya Barrathi (who was part of the TMVP breakaway faction, under Karuna's leadership, and is referred to as "commander") in Ampara district in the Eastern province.

150. In the districts of Killinochchi and Mullaitivu (northern Sri Lanka), a total of 199 cases of children killed and 146 cases of children maimed were reported from 1 January 2009 to 19 May 2009, although the actual number of casualties is likely to be higher. The most affected age groups were the oldest and the youngest children — the majority of children killed were those up to 5 years of age (71 children killed and 28 maimed), while the older children, 13 to 15 years of age, and 16 to 18 years of age, suffered proportionally more by incidents of maiming (40 children in the first category and 37 in the second). The vast majority of children (97 per cent) were injured or killed in Mullaitivu district, followed by 3 per cent in Killinochchi district. According to interviews with internally displaced persons, a large number of casualties were allegedly due to artillery fire from the Sri Lankan Armed Forces and a number of casualties were allegedly due to artillery fire from LTTE. Four cases of child deaths and injuries were related to incidents that occurred in or near a hospital. In addition, children and youth continue to be at risk from the presence of mines and unexploded ordnance in northern Sri Lanka, although unexploded ordnance removal and de-mining activities continue.

151. Interviews with internally displaced persons also indicated that during the months leading to the end of the conflict, there were reports of rape during flight and of sexual harassment, especially towards former female LTTE cadres, including girls. Some women and girls trying to flee the conflict areas had their hair forcibly cut by LTTE as a deterrent to fleeing, knowing that women with short hair would be suspected by the Sri Lankan Army of being LTTE cadres and would likely be treated differently from other internally displaced persons. Some young girls were forced by their families to marry their relatives to avoid forced recruitment by LTTE. Within the internally displaced person sites, exploitation of women and girls appeared to be perpetrated by various actors through promises of favours, money or marriage and through threats.

152. To date, nine schools are being used by the Sri Lankan Armed Forces (SLAF) to detain adult "surrendees" who were identified as former combatants. The schools remain only partially operational for the education of children, affecting a population of 5,753 children. SLAF barracks are established within school compounds, and classrooms as well as other school facilities are being used by the forces, causing high levels of disruption to the schools' normal routine. Despite the

[16] See para. 22 above for more information on the total number of "surrendee" children formerly associated with LTTE.

separation by barbed wire between the school and the "surrendee" site, adult "surrendees" are seen walking around the schools. The need to transfer the "surrendees" out as soon as possible has been brought to the attention of the relevant military and civilian authorities on several occasions, including by Major General (ret.) Cammaert during his December mission, and the Government has made commitments in that regard.

153. The emergency that arose from the last phase of the conflict, including the insecurity and the large number of persons displaced, posed a serious challenge for national authorities and the international community to provide assistance and respond to the conflict-affected population, including children. Access to the areas directly affected by the conflict was extremely limited and access to the displaced population was also difficult not only for protection organizations but also for relevant Government bodies. LTTE continued to prevent civilians, including United Nations staff and other employees of humanitarian organizations, from leaving the conflict area. Some civilians were injured and killed during the fighting.

154. By May 2009, some 40 internally displaced person sites were established in various districts in the north and east of Sri Lanka. No freedom of movement was granted to the 280,000 internally displaced persons in the sites and access to those persons was curtailed for "national security-related issues". Specifically, the authorities restricted vehicle access to the internally displaced person sites in Vavuniya district for the distribution of non-food relief items and other humanitarian assistance by agencies, and protection monitoring was not authorized. Access greatly improved by the end of June, although delays in granting access to some zones in the Vavuniya Menic Farm camps occurred. Access was also occasionally denied when cordon and search operations were being conducted in the internally displaced person sites. During the months of September and October, access was not fully granted to closed "transit sites", specifically in Jaffna and Trincomalee districts, where internally displaced persons who were being released from the Menic Farm camps were held in their districts of origin, reportedly for further screening. By the end of October, however, over 12,000 internally displaced persons who were accommodated in transit sites in all five districts had been released or sent to rehabilitation centres and almost all of the transit sites are now closed.

155. The lifting of military security clearance for travelling out of Jaffna district on 18 November and the introduction of the pass system on 1 December at the internally displaced person sites in all districts have had a positive impact on humanitarian access and freedom of movement for internally displaced persons. The remaining concerns include restriction of access by non-governmental organizations to return areas and limits on access to rehabilitation centres where internally displaced persons suspected of association with LTTE are being held. As of the end of the reporting period, access to rehabilitation centres has been granted only to the World Food Programme, for the provision of food, to UNICEF, in order to manage the childcare centres, and to the International Organization for Migration, for the construction of non-temporary centres.

156. Other serious concerns remain with regard to the need for a more efficient registration system for separated and unaccompanied children that promotes early family tracing and reunification, as well as the need to address the issue of children who have been reported missing by their parents. Additional concerns include the care and protection of children with disabilities and with critical medical conditions.

As of the end of November, 1,221 separated, unaccompanied and orphaned children have been identified in the north of the country. Of those, 517 have been reunified with their families or relatives and 704 have been placed in residential homes. In addition, 162 parents have reported to probation officers that their children are missing and families continue to file requests for tracing their children at the Family Tracing and Reunification Unit established in Vavuniya in December 2009.

Developments in Uganda

157. The Lord's Resistance Army (LRA) has not operated in Uganda throughout the reporting period. In the past four years, the group has moved into the neighbouring Democratic Republic of the Congo and the Central African Republic, as well as into southern Sudan. The root of the LRA insurgency began in Uganda, therefore the role of the Government of Uganda remains central to achieving a resolution.

158. Last December, the Ugandan People's Defence Forces (UPDF), with the cooperation of the Armed Forces of the Democratic Republic of the Congo (FARDC) and south Sudan (SPLA), have launched joint military offensives into northeast Democratic Republic of the Congo and southern Sudan territories in pursuit of LRA. The rebels have scattered and spread out in smaller groups in the region. Those groups carried out violent reprisal attacks against civilians, including killings, abductions and forced recruitment of children, rape and pillaging, that have led to the death and disappearance of hundreds of children and triggered significant population displacements. During such offensives, UPDF has come into contact with children who are either in the frontlines, associated with LRA or being held captive. There are a number of child protection concerns in that regard, including timeliness of release of such children to child protection agencies, their cross-border repatriation, the use of those children for intelligence purposes by UPDF and the lack of immediate access to psychosocial support and services for children who are severely traumatized. The United Nations has stressed to the Government of Uganda the need to establish appropriate protocols between UPDF and child protection actors, and between other concerned Government forces that would ensure timely access to UPDF military barracks for the identification and release of children to the United Nations and partners.

159. The cross-border repatriation of children associated with LRA has become a major component of the humanitarian response for the protection of children and women in LRA-affected areas, and has benefited from cooperation between the Governments of Uganda, south Sudan, the Central African Republic and the Democratic Republic of the Congo. That cooperation needs to be reinforced and systematized. During the reporting period, 71 children and young mothers formerly associated with LRA were received in reception centres in northern Uganda as part of the repatriation and reinsertion process for LRA-affected children. Among the 71, 2 were subsequently confirmed to be Sudanese and 1 Congolese, and they were repatriated to their respective countries of origin.

Developments in Yemen

160. Clashes between Al-Houthi groups and the Yemeni Government in Sa'ada governorate escalated into open hostilities on 12 August 2009, triggering the displacement of 250,000 persons from Sa'ada and neighbouring areas of Amran, Hajjah and Al-Jawf, and raising other serious protection concerns for the civilian

population, including children. UNICEF and child protection partners conducted several investigations in the conflict-affected areas in Sa'ada, Amran and Hajja in order to document incidents and cases of grave violations against children. The numbers quoted below only represent a portion of the cases that were accessible and verifiable, and may not entirely reflect the actual situation on the ground,.

161. It has been reported that as many as half of the total number of fighters, either from the tribal militia affiliated with the Government, called Al-Jaysh Al-Sha'bi (Popular Army), or the Al-Houthi rebels, are below 18 years of age. A total of 402 cases of children recruited by Al-Houthi rebels and 282 recruited by the Popular Army were documented, including 59 cases of children who were confirmed as having been abducted for the purposes of recruitment by those groups. The truce between the Government and Al-Houthi rebels on 11 February 2010 is a positive development. However, it is a priority to ensure, through action plans, access to, and identification and release of, children associated with armed forces and groups to child protection partners.

162. Although a clear estimation of the total number of children killed or injured during the current conflict is difficult to obtain, a total of 189 cases of children killed and 155 children injured was recorded. Of those cases, 71 per cent occurred as a result of direct shelling on civilian targets during military operations by both sides to the conflict, while 29 per cent occurred as a result of lack of access to humanitarian aid, especially food and health care. In addition, 59 cases of children were reported missing by their families after disappearing at the very beginning of the conflict. Parents and relatives do not know if the children have been killed, abducted or recruited.

163. Most of the schools in the conflict-affected areas are currently being used for military purposes either by Al-Houthi rebels or by Government forces, which make them a legitimate military target by both sides. It was confirmed that 17 schools were completely destroyed and 16 schools continued to be used as military bases during the reporting period. The Ministry of Education had to cancel the school year in the conflict-affected areas, in particular in Sa'ada and Harf Sufyan.

164. Approximately 70 per cent of health facilities in Sa'ada were either completely destroyed or used as military installations during the conflict, including 2 hospitals, 3 health centres and 13 health units destroyed, as well as 2 health centres used as military installations. That situation highly affected access by the community to health care both during and after the conflict.

165. Since the beginning of the conflict, the United Nations and other humanitarian agencies have raised serious concerns regarding the inability to deliver humanitarian assistance to the internally displaced persons and other affected population, in particular in Sa'ada governorate, Harf Sufyan and Al-Jawf. There are approximately 60,000 children who are trapped in crossfire areas between Al-Houthi rebels and Government forces/pro-Government militias. All efforts with the parties to conflict in order to open a safe corridor for humanitarian aid failed to reach any breakthrough. However, the truce cleared the way for Government officials and aid workers to carry out humanitarian needs assessment in previously inaccessible areas and to enable humanitarian assistance to reach civilian populations, including children.

166. There are reportedly more than 1,000 children being detained in prisons throughout the country as a result of the conflict. Those children were either captured from opposing forces during the conflict or suspected of being fighters or pro-Houthis. The United Nations does not have access to those children.

V. Information on the criteria and procedures used for listing and de-listing parties to armed conflict in the annexes

A. Authority

167. In paragraph 3 of its resolution 1882 (2009), the Security Council requested the Secretary-General to include in the annexes to his reports on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law, in patterns of killing and maiming of children and/or rape and other sexual violence against children, in situations of armed conflict, bearing in mind all other violations and abuses against children, and noted that paragraph 3 would apply to situations in accordance with the conditions set out in paragraph 16 of its resolution 1379 (2001).

168. In paragraph 16 of its resolution 1379 (2001), the Security Council requested the Secretary-General to attach to his report a list of parties to armed conflict that recruit or use children in violation of the international obligations applicable to them, in situations that are on the Council's agenda or that may be brought to its attention by the Secretary-General.

169. In paragraph 19 (a) of its resolution 1882 (2009), the Security Council requested the Secretary-General to include in its 2010 report annexed lists of parties in situations of armed conflict on the agenda of the Council or in other situations of concern, in accordance with paragraph 3 of that resolution.

170. By paragraph 2 (a) of Security Council resolution 1612 (2005), information collected by the monitoring and reporting mechanism should be timely, objective, accurate and reliable.

B. Scope of the annexes

171. By paragraph 3 of its resolution 1882 (2009), the Security Council expanded the scope of the annexes to the Secretary-General's reports beyond the unlawful recruitment and use of children to include acts in violation of applicable international law involving patterns of killing and maiming of children and patterns of rape or other acts of sexual violence against children.

172. Within that expanded scope, the Security Council, in paragraph 19 (d) of resolution 1882 (2009) also requested that the Secretary-General include in his 2010 report on children and armed conflict information on the criteria and procedures used for listing and de-listing parties to armed conflict in the annexes to his periodic reports, bearing in mind the views expressed by all the members of the Working Group on Children and Armed Conflict during informal briefings. In devising criteria and procedures for listing and de-listing, the Secretary-General will be guided by paragraph 3 of resolution 1882 (2009), and the Council's request to list parties that engage, in contravention of applicable international law, in patterns of

killing and maiming of children and/or rape and other sexual violence against children.

173. The reference to acts in contravention of applicable international law suggests that the acts in question are not merely crimes under the national law of the State where the crime was committed, but rather acts that amount to a violation of applicable international law, including international humanitarian or human rights law. Isolated incidents of killing, maiming or sexual violence, which are not part of a pattern, as discussed below, would not be listed.

174. At the same time, the reference to "patterns" of violations rather than to "crimes" — whether war crimes or crimes against humanity — suggests that the Security Council did not necessarily intend to raise the threshold for inclusion to the actual commission of international crimes, which could only be met through an investigative or prosecutorial process.

C. Listing and de-listing criteria: the notion of a "pattern"

175. The threshold for inclusion therefore revolves around the notion of a "pattern". Based on the use of the notion in similar contexts, a "pattern" denotes a "methodical plan", "a system" and a collectivity of victims. It is a "multiple commission of acts" which, as such, excludes a single, isolated incident or the random conduct of an individual acting alone and presumes intentional, wilful conduct. In proving the acts to be systematic, it would also be necessary to show that all such acts in contravention of applicable international law involving killing and maiming, or sexual violence, are being perpetrated in the same context and, from that perspective, are considered "linked".

D. Specific listing criteria

176. On the basis of the above-mentioned understanding of the notion of a "pattern" as a threshold for inclusion in the list, reference to the description of the acts in contravention of applicable international law involving killing, maiming, rape and other sexual violence is as follows. Killing and maiming should include mutilation, torture resulting in serious injury or death and killing in contravention of applicable international law. Rape and other sexual violence should include rape, sexual slavery and/or any other form of sexual violence.

177. Recruitment and use of children will continue to be the basis for listing and de-listing in conformity with past practice and in line with applicable international law.

E. Specific de-listing criteria

178. A party will be de-listed on condition that there is United Nations-verified information that it has ceased commission of all the said grave violations[17] against children for which the party is listed in the Secretary-General's report on children and armed conflict, for a period of at least one reporting cycle.

[17] See S/2005/72.

179. As part of the de-listing process, a party to the conflict, whether a State or non-State actor, is required to enter into dialogue with the United Nations to prepare and implement a concrete, time-bound action plan to cease and prevent grave violations committed against children for which the party has been listed in the Secretary-General's report on children and armed conflict, in accordance with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009). The action plan should include:

(a) A halt to violations and/or the pattern of violations concerned;

(b) Official command orders issued through the chain of command of the armed force or group specifying a commitment to halt violations and to take disciplinary measures against perpetrators;

(c) An agreed means of cooperation between the party concerned and the United Nations to address grave violations committed against children;

(d) Access to territory under the control of the party and to bases, camps, training facilities, recruitment centres or other relevant installations, for ongoing monitoring and verification of compliance. The framework of access will be mutually agreed upon by the United Nations and the party;

(e) Verifiable information regarding measures taken to ensure the accountability of perpetrators;

(f) Implementation of an agreed prevention strategy by the party to address violations;

(g) Designation of a high-level focal point in the military hierarchy of the group responsible for the fulfilment of action plan criteria.

180. It should be noted that once a party is de-listed, ongoing monitoring and reporting of the situation is required as long as the Secretary-General remains concerned that such violations may recur. The de-listed party must ensure continuous and unhindered access to the United Nations for monitoring and verification of compliance with commitments for a minimum period of one reporting cycle following de-listing, failing which it may be re-listed in the annexes, and the Security Council alerted to the non-compliance.

VI. Recommendations

181. I welcome the signing of action plans by the Sudan People's Liberation Army, the Unified Communist Party of Nepal-Maoist and the Government of Nepal, and the Moro Islamic Liberation Front, as well as the progress made by parties in releasing children, addressing impunity for perpetrators through investigations and prosecution, implementing and/or reforming national legislation to put into practice international legal prohibitions, including criminal penalties, against child recruitment and undertaking other measures to prevent the killing and maiming of children and the rape and other forms of sexual violence against children highlighted in the present report.

182. The Security Council is encouraged to continue to insist that parties listed in the annexes to my report for the recruitment and use of children, killing and maiming of children, and/or rape and other sexual violence against children, in

contravention of applicable international law, prepare and implement concrete time-bound action plans to halt those violations and abuses, and to take measures against any parties that fail to comply.

183. The Security Council is also encouraged to call upon all parties mentioned in my report for committing grave violations against children to engage with the United Nations peacekeeping and/or political missions and United Nations country teams to undertake specific commitments and measures to address violations committed against children for which they are cited.

184. Concerned Member States should allow contact between the United Nations and non-State actors to ensure the broad and effective protection of children, including for the purposes of preparing action plans to halt recruitment and use of children, killing and maiming of children, and/or commission of rape and other sexual violence against children, as well as undertaking specific commitments and measures to address all other grave violations against children. The Security Council should encourage this. Such contact is not to prejudice the political and legal status of those non-State actors.

185. As the pace of the conclusion of action plans with parties to conflict accelerates, my Special Representative for Children and Armed Conflict should convene United Nations departments, agencies and programmes and invite Member State commitment to devise a more stable and long-term funding structure for the provision of staffing and other resources required to fulfil all elements of the action plans. Donors are encouraged to ensure that adequate resources and funding are available to national Governments, the United Nations and partners for the rehabilitation and reintegration of children who have been associated with armed forces and groups.

186. The Security Council is encouraged to weigh more vigorous measures against persistent violators who have been listed in my annual report for at least five years for grave violations against children. In that regard, the Council is encouraged to consider including child recruitment and use in the mandate of all its sanction committees, including counter-terrorism committees, to streamline the sharing of information between its Working Group on Children and Armed Conflict and its sanctions committees, and to ensure that my Special Representative is invited to brief them on a more regular basis on specific information contained in my reports prepared in the framework of Council resolution 1612 (2005) and necessary actions.

187. To facilitate the work of the Security Council sanctions committees, its expert groups are encouraged to incorporate child protection expertise in their investigation and research teams, and to systematically include information on violations against children in their reports, recommendations and confidential lists/annexes.

188. In situations where there are no existing sanctions committees, the Security Council is encouraged to consider means by which targeted measures may be applied against persistent perpetrators of grave violations against children, including through direct referral of information and recommendations for measures by its Working Group on Children and Armed Conflict.

189. The introduction of additional listing criteria, as provided for in Security Council resolution 1882 (2009), necessitates renewed attention to the provision of timely, accurate and reliable information to the Council, and the need to develop the capacity to document incidents and trends on killing, maiming and sexual violence

against children. In that regard, the donor community is urged to support relevant United Nations agencies, programmes, funds and peacekeeping and political missions, as well as national Governments.

190. In light of the current challenges in monitoring and reporting on sexual violence, the Chair of the United Nations country task forces on monitoring and reporting is requested to undertake efforts to improve the collection and verification of information on sexual violence against children by systematically liaising and engaging with entities working on other relevant mandates to ensure synergies and the exchange of information, as requested by the Security Council in its resolutions 1882 (2009) and 1888 (2009).

191. National Governments are encouraged, in collaboration with the United Nations, and through the participation of civil society and grass-roots organizations, especially those involving women and girls, to devise and implement national strategies against sexual violence that would include prevention, the provision of health, psychosocial, security and protection, and legal/justice services for survivors of sexual violence, and rigorous and timely investigation and prosecution of crimes of sexual violence. Such efforts should be pursued in coordination with other national efforts to address gender-based violence.

192. I am concerned by reports, in several country situations, of the use of children by national armed forces for military intelligence purposes and the interrogation of children who have been separated from armed groups. The Governments concerned are strongly urged to ensure that their national armed forces cease such practices and hand children over to child protection authorities as soon as possible after their separation.

193. Given the regional dimensions of some conflicts highlighted in the present report, relevant Member States, United National peacekeeping and political missions and United Nations country teams should accelerate the development of appropriate strategies and coordination mechanisms for information exchange and cooperation on cross-border child protection concerns.

194. In accordance with the newly implemented child protection policy directive of the Department of Peacekeeping Operations, the Security Council is urged to ensure that specific provisions for the protection of children continue to be included in all relevant United Nations peacekeeping operations, as well as political and peacebuilding missions, including by means of the deployment of child protection advisers. The need for such advisers, including the required budget, should be systematically assessed during the preparation of each peacekeeping operation and political mission. Child protection concerns should be reflected in all mission planning instruments and processes, including technical assessment, review missions and reports to the Council.

195. I am concerned about reports on the high numbers of civilian casualties, including children, during military operations, remind all parties to conflict of their obligations to ensure respect for international law and urge them to consider practical steps to spare civilians from the effects of hostilities.

196. The Security Council should require that when requesting peacekeeping operations to support, through provision of supplies or by other means, national forces that may be committing serious human rights violations, such support is conditional on compliance with international law.

197. Member States and non-State actors are urged to ensure that children and armed conflict concerns are consistently reflected in peace processes and peace agreements so that this issue is carried forward as a priority into the post-conflict peace consolidation and peacebuilding phases. The United Nations will help to ensure this, including by providing mediators, negotiators and heads of mission with adequate guidance in that regard.

198. The Security Council is encouraged to call upon all parties in situations of armed conflict to adhere to international normative instruments protecting educational facilities from attack. This includes protecting educational institutions as well as students, teachers and other education personnel. Special attention should be paid to the protection of girls' right to education, given the increased targeting of girls' educational facilities in some countries.

199. States parties to the Convention on the Rights of the Child are encouraged to strengthen national and international measures for the prevention of recruitment of children into armed forces or armed groups and their use in hostilities. In particular, those measures include signing and ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and enacting legislation that explicitly prohibits the recruitment of children into armed forces or groups and their use in hostilities, exercising extraterritorial jurisdiction in order to strengthen the international protection of children against recruitment, taking measures to implement the recommendations of the Committee on the Rights of the Child and submitting timely reports under the Optional Protocol to the Committee.

VII. Lists in annexes to the report[18]

200. The present report contains two annexes.[19] Annex I contains a list of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children. Annex II contains a list of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children in situations of armed conflict not on the agenda of the Security Council or in other situations of concern, bearing in mind other violations and abuses committed against children.

201. A conservative approach has been taken this year in determining the parties to be listed for killing, maiming and sexual violence against children, given the limited time for country task forces to orient themselves with the listing criteria and requirements pursuant to Security Council resolution 1882 (2009) in August 2009. The relatively low incidence of sexual violence against children reported does not reflect the depth and extent of that practice by parties; rather, it reflects the challenges encountered in collecting and verifying information on sexual violence.

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[18] Pursuant to Security Council resolution 1612 (2005), the present report is guided by criteria for determining the existence of an armed conflict found in international humanitarian law and international jurisprudence. Reference to a situation of concern is not a legal determination and reference to a non-State party does not affect its legal status.

[19] The parties are listed in alphabetical order in the annexes.

202. The following parties have been on the annex lists for at least five years:

(a) Abu Sayyaf Group (ASG);

(b) Ejército de Liberación Nacional (ELN);

(c) Forces armées de la République démocratique du Congo (FARDC), including fast-track integrated units of the Congrès national pour la défense du peuple (CNDP), formerly led by Laurent Nkunda and Bosco Ntaganda;

(d) Forces démocratiques de libération du Rwanda (FDLR);

(e) Front nationaliste et intégrationnaliste (FNI);

(f) Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP);

(g) Karenni Army (KA);

(h) Karen National Liberation Army (KNLA);

(i) Lord's Resistance Army (LRA);

(j) Mai-Mai groups in North and South Kivu, including Patriotes résistants congolais (PARECO);

(k) Moro Islamic Liberation Front (MILF);

(l) New People's Army (NPA);

(m) Pro-Government militias in Darfur;

(n) Sudan People's Liberation Army (SPLA);

(o) Tatmadaw Kyi;

(p) Transitional Federal Government of Somalia (TFG).

203. It should be noted that the annexes do not list countries as such. The purpose of the lists is to identify particular parties to conflict that are responsible for specific grave violations against children. In that regard, the names of countries are referred to only in order to indicate the locations or situations where offending parties are committing the violations in question.

Annex I

List of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children

Parties in Afghanistan

1. Afghan National Police*
2. Haqqani network*
3. Hezb-i-Islami*
4. Jamat Sunat al-Dawa Salafia*
5. Taliban forces*
6. Tora Bora Front*

Parties in the Central African Republic

1. Armée populaire pour la restauration de la République et de la démocratie (APRD)*
2. Convention des patriotes pour la justice et la paix (CPJP)*
3. Union des forces démocratiques pour le rassemblement (UFDR)*
4. Forces démocratiques populaires de Centrafrique (FDPC)*
5. Lord's Resistance Army (LRA)*‡
6. Mouvement des libérateurs centrafricains pour la justice (MLCJ)*
7. Self-defence militias supported by the Government of the Central African Republic*

Parties in Chad

1. Armée nationale tchadienne*
2. Justice and Equality Movement (Sudanese armed groups backed by the Government of Chad)*

Parties in the Democratic Republic of the Congo

1. Forces armées de la République démocratique du Congo (FARDC), including fast-track integrated units of the Congrès national pour la défense du peuple (CNDP), formerly led by Laurent Nkunda and currently led by Bosco Ntaganda*‡

* Parties that recruit and use children.
† Parties that kill and maim children.
‡ Parties that commit rape and other forms of sexual violence against children.

2. Forces démocratiques de libération du Rwanda (FDLR)*‡

3. Forces de résistance patriotique en Ituri (FRPI)*‡

4. Front nationaliste et intégrationnaliste (FNI)*‡

5. Lord's Resistance Army (LRA)*‡

6. Mai-Mai groups in North and South Kivu, including Patriotes résistants congolais (PARECO)*‡

Parties in Iraq

1. Al-Qaida in Iraq*

Parties in Myanmar

1. Democratic Karen Buddhist Army (DKBA)*

2. Karen National Union-Karen National Liberation Army Peace Council*

3. Kachin Independence Army (KIA)*

4. Karen National Liberation Army (KNLA)*: this party has sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar

5. Karenni Army (KA)*: this party has sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar

6. Karenni National People's Liberation Front (KNPLF)*

7. Myanmar National Democratic Alliance Army*

8. Shan State Army-South (SSA-S)*

9. Tatmadaw Kyi*

10. United Wa State Army (UWSA)*

Parties in Nepal

Unified Communist Party of Nepal-Maoist (UCPN-M)*

Parties in Somalia

1. Al-Shabaab*†

2. Hizbul Islam*

3. Transitional Federal Government (TFG)*†

Parties in the Sudan

Parties in southern Sudan

1. Sudan People's Liberation Army (SPLA)*

2. Lord's Resistance Army (LRA)*†‡

Parties in Darfur

1. Chadian opposition groups*
2. Police forces, including the Central Reserve Police and Border Intelligence Forces*
3. Pro-Government militias*
4. Sudan Armed Forces (SAF)*
5. Parties signatories to the Darfur Peace Agreement:
   (a) Justice and Equality Movement (Peace Wing)*
   (b) Movement of Popular Force for Rights and Democracy*
   (c) Sudan Liberation Army (SLA)/Abu Gasim/Mother Wing*
   (d) Sudan Liberation Army (SLA)/Free Will*
   (e) Sudan Liberation Army (SLA)/Minni Minnawi*
   (f) Sudan Liberation Army (SLA)/Peace Wing*
6. Parties not signatories to the Darfur Peace Agreement:
   (a) Justice and Equality Movement (JEM)*
   (b) Sudan Liberation Army (SLA)/Abdul Wahid*
   (c) Sudan Liberation Army (SLA)/Unity*

Annex II

List of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children in situations of armed conflict not on the agenda of the Security Council, or in other situations of concern, bearing in mind other violations and abuses committed against children

Parties in Colombia

1. Ejército de Liberación Nacional (ELN)*
2. Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP)*

Parties in the Philippines

1. Abu Sayyaf Group (ASG)*
2. Moro Islamic Liberation Front (MILF)*
3. New People's Army (NPA)*

Parties in Sri Lanka

Tamil Makkal Viduthalai Pulikal (TMVP) (former element of Karuna faction, Iniya Barrathi)*

Parties in Uganda

Lord's Resistance Army (LRA)

* Parties that recruit and use children.

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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Letter dated 5 April 2010 from the Permanent Representative of Ecuador to the United Nations addressed to the President of the General Assembly

I have the honour to refer to the candidacy for membership in the Human Rights Council for the period 2010-2013 submitted by the Government of Ecuador in May 2008 for the elections that will take place on 13 May 2010.

As you are aware, Ecuador completed the universal periodic review process in May 2008. For that exercise, the Government of Ecuador conducted broad national consultations involving all sectors of society, and since that time those commitments for the promotion of human rights have been implemented and updated.

It should be recalled that Ecuador has participated actively in international forums contributing to the development of human rights. In 2000, Ecuador became the first State of Latin America to sign all United Nations and Organization of American States treaties adopted on human rights.

This ongoing commitment to progress and strengthening of international human rights mechanisms has allowed Ecuador to participate actively as a State and through its national experts in various areas of monitoring and protection of human rights. For example, the first United Nations High Commissioner for Human Rights, in 1994, was Ecuadorian.

In 2008, Ecuador adopted by referendum a new Constitution guaranteeing human rights that retains the virtues of prior Constitutions in that area but is even more ambitious in the monitoring and protection of human rights and fundamental freedoms.

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The Government of Ecuador, in keeping with its national and international policy for the protection of human rights, wishes to be elected a member of the Human Rights Council, and therefore, in accordance with General Assembly resolution 60/251 of 15 March 2006, submits its statement of voluntary pledges and commitments for the promotion and protection of human rights (see annex I) as well as progress made in implementation of prior voluntary pledges (see annex II).

(*Signed*) Francisco **Carrión-Mena**
Permanent Representative of Ecuador to the United Nations

Annex I to the letter dated 5 April 2010 from the Permanent Representative of Ecuador to the United Nations addressed to the President of the General Assembly

Voluntary pledges and commitments of Ecuador for its candidacy to the Human Rights Council — May 2010

A. International human rights law

1. To collaborate on an ongoing basis with the United Nations Office of the High Commissioner for Human Rights and regional and national offices in the investigation, dissemination and response to reports of alleged human rights violations in the country submitted to special mechanisms and procedures.

2. To present, sponsor and support, as appropriate, draft resolutions condemning practices that systematically violate human rights in any country of the world.

3. To maintain an open invitation to and ongoing cooperation with human rights special procedures and mechanisms of both the United Nations and the inter-American system, for on-site verification of the situation of human rights in the country.

4. To support the adoption of new international instruments for the protection of human rights.

B. Domestic implementation, dissemination and promotion of human rights

5. To strengthen a system of effective response and follow-up to international commitments made by Ecuador under the human rights treaty bodies and conventions, as well as inter-institutional coordination on specific human rights issues. Within this system, the Public Coordination Commission for Human Rights will be assigned a major role.

6. To conduct the evaluation of the National Human Rights Plan and its operational plans with a view to reformulating and repositioning them at the national level in accordance with new international standards for the protection of human rights at the global and regional levels.

7. To promote the work of the National Commission on International Humanitarian Law.

8. To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.

C. Harmonization of domestic law with international human rights standards and updating of legal norms

9. To draft a reform of the Penal Code that criminalizes serious human rights violations, in accordance with international standards, with special attention to torture, and including family and gender violence and sexual diversity.

10. To adopt an anti-discrimination act.

11. To promote the adoption of the Crimes against Humanity Act and general reforms to domestic law for the purpose of incorporating the norms contained in the Rome Statute of the International Criminal Court.

D. Compliance with international human rights obligations

12. To design and implement a system to follow up on compliance with of international human rights obligations.

E. Prison rehabilitation

13. To design a social integration model and an infrastructure model for prisons from a human rights perspective.

14. To build seven new prisons based on a social integration model.

F. Human rights training and capacity-building for public officials

15. To create ongoing training programmes in the area of human rights for public officials and officials providing judicial services. To design the training, implementation and evaluation programme for the period 2008-2011.

G. Preventing and combating crimes of trafficking in persons

16. To implement effectively the National Plan to Combat Human Trafficking.

H. Collective rights of Afro-Ecuadorians and indigenous peoples

17. To disseminate, through a forum with broad participation among government bodies and civil society, the outcome of the 73rd session of the Committee on the Elimination of Racial Discrimination held in Geneva from 28 July to 15 August 2008.

18. To adopt the recommendation of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, to guarantee free and equal access by indigenous peoples to services for the administration of justice.

I. Rights of children, adolescents, youth and the elderly

19. To draw up an agreed agenda for the protection of rights and promotion of policies to guarantee the human rights of children, adolescents, youth and the elderly.

20. To establish an inter-institutional network with social programmes for the eradication of child labour that will expand its impact by guaranteeing the rights of

the children and adolescents and their families who find themselves in those circumstances.

21. To disseminate the normative framework that covers youth as having rights and to work to promote their rights through a consensus agenda with a cross-cutting approach to social protection and the rights of youth in various State programmes, in accordance with the principles of non-discrimination against youth and equal opportunity.

22. To disseminate the rights of the elderly based on the 2002 Madrid International Plan of Action on Ageing and the Act on Older Adults.

J. Women's rights

23. To promote effective democracy with equal opportunities for women and men in political participation and representation both through direct elections and designated posts in State agencies, through legal reform and establishment of systems that guarantee action for the exercise of political rights by women.

24. To guarantee the right to a life free of violence through the adoption of measures to prevent, eradicate, criminalize and punish family and gender-based violence by taking an institutional and cross-cutting approach to plans and programmes within State structures, and to promulgate laws on the elimination of violence against women, children and adolescents, including the displaced population located on the country's northern border, from an intercultural perspective.

25. To develop laws and public policies to prevent and eradicate sexual abuse, assault and exploitation of women, girls and adolescents, whether commercial or under conditions of servitude, including issues relating to sexual and reproductive life.

26. To promote a gender perspective in cultural and intercultural rights, education and quality of life through the establishment of social policies on formal and non-formal education, eradication of illiteracy and training in technical areas and technology, that will bring about change in customs and habits, thereby promoting equality between men and women.

27. To link Government plans with public policies that promote economic, social and environmental rights and that aim to eliminate the employment inequalities between men and women and to promote appropriate management of environmental resources; and to offer financial and non-financial resources that provide decent living conditions for women and promote their autonomy, paying greater attention to rural women.

28. To establish a training plan for officials of the judiciary, the Public Prosecutor's Office, the police and other actors in the criminal justice system to raise awareness and provide appropriate training on the approach to family violence and sexual offences committed against women, girls and adolescents and sexually diverse groups in order to give those groups true access to the criminal justice system.

K. Rights of persons with diverse sexual orientations

29. To implement a national system guaranteeing action for equality and non-discrimination on grounds of sexual orientation and gender identity, through the strengthening of institutions for the protection of human rights of women and persons with diverse sexual orientations, as well as the promulgation of norms to combat discrimination on grounds of ethnicity, sexual orientation and gender.

L. Rights of migrants

30. To follow up on programmes and projects under the National Human Development Plan for Migration.

31. To establish mechanisms intended to avoid criminalization of migration, such as training workshops for officers posted at the country's entry and exit points.

32. To promote and disseminate the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families through printed matter directed to students in areas with high migration rates; a page in the Web portal www.migranteecuatoriano.gov.ec will also be designed.

M. Rights of persons with disabilities

33. To implement fully the Convention on the Rights of Persons with Disabilities through its dissemination and the execution of broad and effective public policies for the promotion of the rights of this priority group.

34. To promote access by persons with disabilities to education, employment, health care, communication and physical space in accordance with the Convention on the Rights of Persons with Disabilities in order to achieve equal opportunities and access to goods and services with a gender perspective.

35. To promote, from the central Government in coordination with local authorities, the adoption of activities and programmes to ensure that persons with disabilities can live independently and participate fully in all aspects of life, ensuring their access to the physical environment, transportation, information and communication, without obstacles of any type and making possible a country without barriers in both the public and private spheres.

36. To introduce flexibility in the regulations of public and private bodies for the purpose of ensuring access of persons with disabilities to training and capacity-building programmes in the various professions and specializations, enabling them to find employment; to that effect, compliance with the Regulations on Hiring of Persons with Disabilities in public competitive and merit examinations will be monitored.

37. To promote, disseminate and raise awareness in society of the rights of persons with visual disabilities through the mass utilization of the Braille system to guarantee their right to information.

38. To work for the eradication of illiteracy among persons with visual disabilities in marginalized urban areas through the establishment of specialized literacy centres, with international technical and financial support.

39. To support the strengthening of associations of persons with visual disabilities.

N. Promotion of human rights within the National Police

40. To modify the method of compiling the criminal record of citizens (police record) to follow the principles of presumption of innocence and the right to honour and good reputation.

41. To establish a Human Rights and Anti-Corruption Unit within the National Police in order to develop a plan of action for policing addressing the process of receiving complaints and enforcement of judicial and extrajudicial actions for the appropriate follow-up.

42. To reform the procedural and reporting manual of the National Police Directorate for Children and Adolescents, in order to harmonize it with international conventions and domestic laws for the protection of children and adolescents.

43. To establish a functional system for registration of complaints of human rights violations that will allow information to be compiled effectively, making appropriate use of international standards or classifications of types of violations, with the aim of preventing or punishing human rights violations committed by members of the National Police.

O. Promotion of human rights within the armed forces

44. To conduct activities to disseminate and raise awareness on human rights and international humanitarian law.

45. To conduct workshops on prevention and eradication of ill-treatment and torture for members of the armed forces.

46. To conduct activities including training, mediation and arbitration for the prevention and elimination of family violence.

47. To advance activities to promote women's rights and gender equality, with emphasis on stable employment, as well as the prevention and elimination of sexual harassment in the workplace.

48. To establish a section within the Ministry of Defence for the prevention and control of corruption within the armed forces.

Annex II to the letter dated 5 April 2010 to the President of the General Assembly by the Permanent Representative of Ecuador to the United Nations

Progress made by Ecuador in fulfilling its voluntary pledges and commitments to the Human Rights Council in the context of the universal periodic review — May 2010

A. International human rights law

To collaborate on an ongoing basis with the Office of the High Commissioner for Human Rights and regional and national offices in the investigation, dissemination and response to reports of alleged human rights violations in the country submitted to special mechanisms and procedures.

1. Ecuador has always maintained an open-door policy of cooperation with the United Nations human rights system. This has included joint efforts and collaboration in the observance of human rights. Ecuador has two bodies which deal with the topic at hand.

2. On the one hand, the Ministry of Justice and Human Rights numbers among its duties the responsibility for "overseeing the enforcement of sentences, precautionary measures, interim measures, amicable settlements recommendations and resolutions originating from within the inter-American human rights system and the universal human rights system as well as compliance with all other obligations arising as a result of human rights undertakings".

3. The Under-secretariat for Human Rights and Coordination of Public Defence of the Ministry of Justice and Human Rights provides follow-up and enforcement of international obligations of the State resulting from human rights violations.

4. On the other hand, the State Public Prosecutor's Office is the body responsible for representing the State in disputes arising from alleged human rights violations where State responsibility is found. The Office of Human Rights of the Public Prosecutor's Office provides legal representation for the State in such cases.

To present, sponsor and support, as appropriate, draft resolutions condemning practices that systematically violate human rights in any country of the world.

5. Ecuador, aware of the importance of human rights in achieving United Nations objectives and the democratic development of countries, has been prepared to recognize and condemn practices violating human rights in the world. This has been a consistent practice during the term of the present Government.

To maintain an open invitation to and ongoing cooperation with human rights special procedures and mechanisms of both the United Nations and the inter-American system for on-site verification of the situation of human rights in the country.

6. Ecuador maintains a standing invitation to the special mechanisms and procedures of the universal and regional human rights systems to conduct country visits under their mandates.

7. The Ministry of Foreign Affairs, Trade and Integration and the Ministry of Justice and Human Rights are authorized to coordinate the agendas for visits to Ecuador of representatives of the human rights special procedures.

To support the adoption of new international instruments for the protection of human rights.

8. Ecuador is party to the major universal and regional human rights instruments. This is an achievement at the national level. Ecuador is prepared to ratify any human rights conventions and treaties adopted in the future.

9. The process of ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights concerning the mechanism for the submission of individual and inter-State complaints has thus begun. In accordance with article 419 (4) of our Constitution, dealing with human rights treaties, the approval of the National Assembly is necessary for ratification. The Committee on Sovereignty, Integration, International Relations and Integral Security of the National Assembly is currently considering the text of the Optional Protocol.

B. Domestic implementation, dissemination and promotion of human rights

To strengthen a system of effective response and follow-up to international commitments made by Ecuador under the human rights treaty bodies and conventions, as well as inter-institutional coordination on specific human rights issues. Within this system, the Public Coordination Commission for Human Rights will be assigned a major role.

10. By Executive Decree No. 1317, both the Ministry of Justice and Human Rights and the Ministry of Foreign Affairs are responsible for coordinating the system for effective response and follow-up to the State's international commitments. In addition, through a project for follow-up to the voluntary commitments and recommendations made under the universal periodic review, with the technical and economic support of the Office of the United Nations High Commissioner for Human Rights a follow-up system will be created both for those commitments and recommendations and the observations and recommendations to our country made by United Nations committees.

To conduct the evaluation of the National Human Rights Plan and its operational plans with a view to reformulating and repositioning them at the national level in accordance with new international standards for the protection of human rights at the global and regional levels.

11. During 2008, the Government of Ecuador conducted an evaluation of the National Human Rights Plan, which took into account the importance of the participatory process in the design of this Plan, but also the need to create a tool that could be adopted by the State as a whole as the reference point for planning in human rights.

12. The Constitution of 2008, adopted by a referendum, introduced the concept of *sumak kawsay* or well-being. This idea changes the paradigm of the State, guiding State structures towards the achievement of well-being for all the people of Ecuador.

With that goal in mind, the National Plan for Well-being, formerly the National Development Plan, was created. This new Plan seeks to achieve economic development but goes much farther. Human rights are its focus. Without the full enjoyment of human rights, *sumak kawsay* will not be achieved.

13. In the new Constitution, *sumak kawsay* involves improving the people's quality of life, developing their capacity and potential, establishing an economic system that promotes equality through redistribution throughout society and the country of the benefits of development, promoting effective participation of citizens in all areas of public interest, establishing harmonious coexistence with nature, guaranteeing national sovereignty, promoting Latin American integration and protecting and promoting cultural diversity (article 276).

14. In the elaboration of the National Plan for Well-being, the Ecuadorian Government has taken into account international human rights standards. Thus, objective 9 of the Plan is to guarantee the exercise of human rights and justice.

To promote the work of the National Commission on International Humanitarian Law.

15. The National Commission on International Humanitarian Law was established by Executive Decree No. 1741, published in Official Register No. 344 of 29 August 2006, as a permanent body made up of various State institutions.

16. Through the execution of a National Plan of Action, the Commission will oversee and contribute to the effective implementation of the obligations of the Ecuadorian Government in the area of international humanitarian law.

17. Among its activities, the Commission has conducted a series of meetings intended to ensure better implementation of humanitarian law in Ecuador.

18. One of the Commission's most important projects is the draft law reforming the Criminal Code provisions on anti-personnel mines. Major stakeholders have come together for these meetings: the Ministry of National Defence, which presides in the Commission; the Red Cross of Ecuador, which is responsible for providing its secretariat; and the Ministry of Foreign Affairs, Trade and Integration, which holds the presidency of the National Commission on International Humanitarian Law.

19. Ecuador is also preparing a proposal to criminalize conduct prohibited by the Convention on Cluster Munitions.

To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.

20. Ecuador has reached the final step in the domestic ratification process for the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed 24 May 2007.

21. Ecuador ratified the International Convention for the Protection of All Persons from Enforced Disappearance on 20 October 2009.

C. Harmonization of domestic law with international human rights standards and updating of legal norms

To draft a reform of the Penal Code that criminalizes serious human rights violations, in accordance with international standards, with special attention to torture, and including family and gender violence and sexual diversity.

22. The Ecuadorian Government, through the Under-secretariat for Legislation of the Ministry of Justice and Human Rights, has completed the preliminary draft of the Organization Code of Criminal Guarantees, which punishes persons committing torture or cruel, inhuman or degrading treatment under the heading of crimes against humanity or war crimes.

23. Moreover, in Ecuador the crime of torture is also a separate offence. Thus, anyone inflicting treatment that is equivalent to torture will receive an eight-year prison sentence. According to the gravity of the situation, the preliminary draft also imposes punishment on any public official who could have been able to prevent the commission of torture but did not do so, or did not bring the matter to the attention of the competent authorities.

To adopt an anti-discrimination act.

24. The Under-secretariat for Legislation is drafting the **Equality and Non-discrimination Act**. This new body of law will be comprehensive and will cover all the possible grounds for discrimination found in article 11 (2) of the Political Constitution of Ecuador.

To promote the adoption of the Crimes against Humanity Act and general reforms to domestic law for the purpose of incorporating norms contained in the Rome Statute of the International Criminal Court.

25. In fulfilment of this commitment, the Under-secretariat for Legislation of the Ministry of Justice and Human Rights completed the preliminary draft of the Organization Code of Criminal Guarantees in which article 80 of the Constitution is developed.

26. Title III, chapter I, section I, of the preliminary draft makes reference to "Crimes against Humanity" and includes aggression, genocide, crimes against humanity and war crimes. In the case of crimes against humanity, this document is based on articles 5 and 7 of the Rome Statute of the International Criminal Court.

D. Compliance with international human rights obligations

To design and implement a system to follow up on compliance with international human rights obligations.

27. Through the Ministry of Justice and Human Rights, Ecuador follows up on compliance with its international human rights obligations.

28. To meet its commitments, Ecuador has introduced a system of justice and human rights indicators, whose first phase will end in October 2010, with full implementation to be completed in 2011. The purpose of this system is to monitor

the observance of human rights in Ecuador. In the first phase observance of six human rights will be monitored: right to life, encompassing the constitutional concept of *sumak kawsay* or well-being; right to physical integrity; right to participate in public life; right to liberty and security; right to a healthy environment; and the right of access to justice.

29. This system will become a highly useful tool for decision-making in the design of the country's public policies.

E. Prison rehabilitation

To design a social integration model and an infrastructure model for prisons from a human rights perspective.

30. In order to meet this voluntary commitment, Ecuador has taken the relevant measures to improve conditions for prisoners in detention centres. Through the actions of the Ministry of Justice and Human Rights, it has designed the Comprehensive Model of Services for Persons Deprived of their Liberty.

31. As part of the implementation of this model the following steps have been taken.

32. Education: The Ministry of Education has signed agreements aimed at reinforcing political will and programmes to guarantee this right to persons deprived of their liberty, which include arrangements enabling those who do not have documentation certifying the level or cycle they should be placed in to take a placement test and enter the appropriate year.

33. Regular and completely normal educational programmes are conducted in the 33 social rehabilitation centres, with 2,309 detainees as students: 676 students enrolled in the literacy programme; 882 students at the primary level, 695 at the secondary level and 56 in higher education.

34. Culture: There are cultural projects: Cinema — "*Cine con Sentido*" (Movies with Meaning) in the social rehabilitation centres for the detention of women, men and adolescents in the country's major cities. The project "*Murales de Libertad*" (Murals of Freedom) is also being carried out in Ecuador's prisons.

35. In addition, a book fair, a musical project and various radio broadcasting projects are taking place in social rehabilitation centres.

36. Professionalization of prisons: Within detention centres, programmes are being developed for continuing education of prison guards, administrative officials and representatives of detainees in the country's various social rehabilitation centres. Furthermore, there is a special agreement between the Army Polytechnic School and the Ministry of Justice and Human Rights for training for careers in the prison system.

37. Employment and productivity: In order to promote employment, 500 students in detention centres are currently taking training courses given by the Vocational Training System of Ecuador.

38. Health care: Ecuador is designing a Comprehensive Health Care Policy for the prison system.

39. This commitment is met through the implementation of the Comprehensive Health Care Policy, which includes HIV testing campaigns in social rehabilitation centres in the major cities. Vaccination campaigns for diphtheria, tetanus and hepatitis B have also been conducted in all the nation's social rehabilitation centres.

40. To protect these rights, a Pilot Plan for the Comprehensive Health Care Advocates Training School is also being conducted in social rehabilitation centres in Quito, with 40 participants, including prison guards and family members of detainees. Workshops are also being held for medical directors and chiefs of social rehabilitation centres at the national level, in order to disseminate health-care procedures throughout the prison system. The first workshop had 61 participants.

41. As a complement to this comprehensive health-care plan, Ecuador has a Mental Health Care Model for the Prison System.

42. Family relations: The detention centres offer legal, educational and motivational workshops and form committees of family members of prisoners, offering various types of training, mainly on legal matters, leadership and production for families of detainees. Around 500 families have benefited from these activities.

43. The Government of Ecuador is also restructuring the social rehabilitation system through a redesign of the Strategic Plan and the establishment of macroprocesses.

44. The prison rehabilitation policy is also of interest, in particular the centres for adolescent offenders. Agreements for administration and monitoring of compliance in those centres have been signed. Another agreement has to do with nutrition and the use of workshops for adolescent offenders in some cities.

45. The new care model designed for those centres includes the hiring of a consultant for the development of the model, an investment project for centres for adolescent offenders, and architectural design which meets the specifications set out in national norms and instruments from a concept based on the guarantee of rights and social inclusion of adolescents; launch of training for officials of all centres for adolescent offenders; raising awareness of the conditions in centres for adolescent offenders and their young inmates; evaluation of the performance of officials contracted to work in centres for adolescent offenders. It also involves legal assistance for young inmates; coordinated efforts between courts and prosecutors as well as the Special Police Unit for Children and Adolescents (DINAPEN) to guarantee respect for due process and the rights of adolescents entering centres for young offenders.

46. It is important to note that in Ecuador a process is currently under way to transfer the oversight, management and administration of the centres for adolescent offenders to the Ministry of Justice and Human Rights.

47. In order to reinforce these actions to protect the inmates of centres for adolescent offenders, inter-institutional coordination at the local and national levels is taking place, mainly among the State Public Prosecutor's Office, the Special Police Unit for Children and Adolescents, the National Council for Children and Adolescents and local councils for children and adolescents, cantonal child protection agencies and municipalities.

48. Ecuador, in objective 9 of the National Plan for Well-being 2009-2013, under Policy 9.5, "Promote a system of social rehabilitation enabling the exercise of the rights and responsibilities of persons deprived of liberty", has clearly identified the approach to follow to implement this policy of protection for persons deprived of liberty.

49. As a result of all these efforts, by 2013, Ecuador plans to reduce by 60 per cent the overcrowding in social rehabilitation centres. At present the indicators are being established that will make it possible to follow up on compliance with this target and the implementation of the approach established to carry out this policy.

To build seven new prisons based on a social integration model.

50. The Ecuadorian Government is building seven new prisons, in addition to a series of maintenance projects in detention centres, including:

- Santo Domingo Province social rehabilitation centre: medium and maximum security wings are being finished.
- Sucumbios Province social rehabilitation centre: construction work on living quarters is complete, other buildings are under construction, the enclosure is complete.
- Guayas Province social rehabilitation centre: construction of the base is completed, as is the construction of the channel around the perimeter.
- El Oro Province social rehabilitation centre: the financing package is being finalized with the Ministry of Defence. The terms of reference for the studies are being determined.
- Pichincha Province social rehabilitation centre: some possible sites in Machachi and Latacunga are being evaluated.
- Azuay Province social rehabilitation centre: archaeological surveys are being conducted, as well as dissemination.
- Imbabura Province social rehabilitation centre: the reversion of the municipal ordinance on the site is being coordinated with the National Cultural Heritage Institute.
- Napo social rehabilitation centre: the terms of reference for the studies are being determined.
- Morona Province social rehabilitation centre: the terms of reference for the studies are being determined.
- Manabi Province social rehabilitation centre: existing physical information on this centre is being compiled.
- Esmeraldas Province social rehabilitation centre: existing physical information on this centre is being compiled.
- Tungurahua Province social rehabilitation centre: existing physical information on this centre is being compiled.
- Loja Province social rehabilitation centre: existing physical information on this centre is being compiled.

- Quito Provisional Detention Centre: the conceptual model for the Provisional Detention Centre is being defined and information compiled on the current status of such centres at the national level.
- Nueva Loja Centre for Youth Offenders: full architectural and engineering studies have been completed and the land has been cleared; preparations for the construction are being made.

51. Various projects in compliance with this voluntary commitment are also taking place which will be beneficial for human rights and improve living conditions for inmates of social rehabilitation centres.

- Design and presentation of the project "Professionalization of the Prison System in Ecuador" in coordination with the National Secretariat for Development Planning.
- An agricultural production project in the Varones social rehabilitation centre of Guayaquil; feasibility study and contract for implementation in 2010.

F. Human rights training and capacity-building for public officials

To create ongoing training programmes in the area of human rights for public officials and officials providing judicial services. To design a training, implementation and evaluation programme for the period 2008-2011.

52. In compliance with this recommendation, Ecuador has continued human rights training and capacity-building for public officials and police officers.

53. In 2008, a series of national capacity-building initiatives were undertaken in the areas of:

- human rights and human mobility.
- human rights and non-discrimination.
- human rights and the fight against human trafficking.
- public safety from a human rights perspective.
- rights of persons of diverse sexual orientations.

54. As a result of these initiatives, 2,417 members of the National Police were trained in 15 of Ecuador's 24 provinces.

55. In 2009, 80 trainers were given instruction in human rights and human mobility; these trainers in turn trained 3,000 members of the National Police deployed along Ecuador's northern border.

56. In 2010, Ecuador began a programme to train 150 police trainers, who in turn will provide training to 42,000 members of the National Police on the contents of the new human rights manual for police officers.

57. The Government of Ecuador also plans to provide training this year in human rights, mobility, human trafficking and shelter to 1,200 police officers stationed in the north-western province of Esmeraldas. Similar training will be given to some 1,000 senior and junior officials in charge of the provincial commands in the provinces along the northern border of Ecuador (Esmeraldas, Carchi, Imbabura and

Sucumbíos), where the Government is carrying out initiatives to protect the rights of Colombian refugees.

58. It should be noted that as part of this human rights capacity-building policy, police officers are required to receive training in order to be considered for promotion.

59. In fulfilment of this commitment, in 2010, Ecuador designed a human rights and human mobility capacity-building model for members of the armed forces, with a view to training 100 military staff, who will in turn train 4,000 members of the armed forces deployed along the country's northern border.

G. Preventing and combating crimes of trafficking in persons

To implement effectively the National Plan to Combat Human Trafficking.

60. In 2004, the Government of Ecuador announced a national policy to combat "kidnapping, illegal trafficking in migrants, sexual and labour exploitation and other forms of exploitation and prostitution of women, children and adolescents, child pornography and corruption of minors".

61. On the basis of this national policy, Ecuador adopted the National Plan to Combat Human Trafficking, Illegal Trafficking in Migrants, and Sexual and Labour Exploitation in 2006. The Plan is based on the principles of State responsibility, equality before the law, non-discrimination, the best interests of children and adolescents, democratic participation, and the overriding priority of childhood and adolescence in the development of policies and programmes.

62. The National Plan focuses on three key areas: prevention; investigation and punishment; and the protection and restitution of victims' rights including means of redress.

63. Ecuador has made progress in the following areas:

(a) Capacity-building for members of the National Police in the area of human rights and human trafficking; labour inspectors in the identification and referral of trafficking cases to the judicial authorities; diplomatic and consular staff in the use of the consular protocol for assisting Ecuadorian victims of trafficking abroad; public officials in the area of child and adolescent victims of trafficking.

(b) Data compilation: design, approval and development of a system for recording data on human trafficking and sexual exploitation.

(c) Institutional advances:

- Development of a website for the National Plan to Combat Human Trafficking.
- Consular protocol for assisting victims of trafficking.
- 2008 assessment of problems and evaluation of institutional requirements, protocol for the comprehensive assistance of child and adolescent victims of trafficking, capacity-building modules for facilitators, compendium of legislation and policies/methodology of specialized services for victims.

- Strategy to Prevent and Eradicate the Commercial Sexual Exploitation of Children and Adolescents associated with Tourism in Ecuador.
- Establishment of a specialized police unit to conduct investigations, rescue victims, and identify perpetrators and networks.

64. In March 2010, the Ministry of Justice and Human Rights took over management of the National Plan to Combat Human Trafficking. Ecuador is currently updating the Plan with the institutions involved in order to identify the priorities and strategies for combating human trafficking.

H. Collective rights of Afro-Ecuadorians and indigenous peoples

To disseminate, through a forum with broad participation among government bodies and civil society, the outcome of the 73rd session of the Committee on the Elimination of Racial Discrimination held in Geneva from 28 July to 15 August 2008.

65. From 26 to 27 February 2010, a national workshop was held on the establishment of a follow-up mechanism for the United Nations recommendations on the rights of Afro-Ecuadorians. The recommendations of various United Nations bodies on strengthening the rights of persons of African descent, including measures for eliminating racial discrimination, were widely disseminated during the workshop.

66. In April 2010, a similar dissemination initiative will be held for a large number of public institutions.

To adopt the recommendation of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, to guarantee free and equal access by indigenous people to services for the administration of justice.

67. In his report on Ecuador, the Special Rapporteur concluded that the lack of regulation in the area of indigenous justice leads to instances of conflict between indigenous justice and ordinary justice.

68. It is important to highlight article 171 of the Constitution of Ecuador, which outlines the scope of implementation of indigenous justice in Ecuador.

69. In fulfilment of the Government's commitment in this respect, the Undersecretariat for Legislation of the Ministry of Justice and Human Rights is working on two draft laws aimed at eliminating discrimination in the administration of justice. The first is the draft Act on Coordination and Cooperation between Ordinary Justice and Indigenous Justice; and the second is a preliminary draft of the Organization Code of Criminal Guarantees, which provides for the adoption of differentiated measures for indigenous peoples and communities with respect to criminal law.

70. Ecuador also established the Organization Act on Judicial Guarantees and Constitutional Oversight and the Organization Code of the Judiciary, which further develop the precepts of indigenous justice provided for in the Constitution.

I. Rights of children, adolescents, youth and the elderly

To draw up an agreed agenda for the protection of rights and promotion of policies to guarantee the human rights of children, adolescents, youth and the elderly.

71. With regard to the rights of children and adolescents, Ecuador has implemented a social agenda for children and adolescents entitled "Standing Together for Equity Right from the Start". This instrument of public policy will guide the actions of organizations belonging to the Decentralized National System for the Comprehensive Protection of Children and Young People for the period 2007-2010.

72. The Decentralized National System for the Comprehensive Protection of Children and Young People is an interlinked, coordinated group of public and private organizations, agencies and services that design, implement, monitor and assess policies, plans, programmes and actions to guarantee the full protection of children and adolescents. It also establishes measures, procedures, sanctions and resources, in all areas, to ensure the enjoyment, exercise, enforceability and restitution of children's and adolescents' rights as set forth in the Code, the Constitution and international legal instruments.

73. The policies implemented as part of the social agenda are designed to guarantee each of the rights enshrined in the Code of Childhood and Adolescence.

74. Ecuador has also launched a 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents. One of its objectives is to establish the conditions necessary to ensure children's and adolescents' protection and adequate access to a healthy life, culture, proper emotional treatment and, family bonds, as well as the right to live a life free of violence and the right to decide and to be heard.

75. The Plan of Action includes policies for each age group: 0 to 6; 6 to 12; and 12 to 18 years. These policies focus on guaranteeing the right to health, food, education, housing, family, culture, a life free of violence, recreation, special protection and participation in public life.

To establish an inter-institutional network with social programmes for the eradication of child labour that will expand its impact by guaranteeing the rights of the children and adolescents and their families who find themselves in those circumstances.

76. In order to fulfil this voluntary commitment, Ecuador continues to strengthen its actions, plans and policies for the eradication of child labour. In this connection, it should be noted that in 2002, Ecuador established the Child Labour Inspection and Monitoring System, which reports directly to the National Committee for the Progressive Eradication of Child Labour (CONEPTI) and is attached to the Ministry of Labour. The system is primarily designed to monitor compliance with the law, oversee the management of child labour data and respond to cases and complaints.

77. The implementation of this national policy for the eradication of child labour has been strengthened by the current Constitution of Ecuador, adopted in September 2008, which considers children and adolescents a priority group. Specifically, article 47, paragraph 2, protects children and adolescents from all forms of labour

exploitation and provides for measures to eradicate child labour. Likewise, it states that adolescents may work only in exceptional circumstances and that work should not infringe the right to education.

78. Secondary legislation, including the Code of Childhood and Adolescence and the Labour Code, observes the principles enshrined in the Constitution.

79. It is within this framework that the National Plan of Action for the Prevention and Progressive Eradication of Child Labour in Ecuador (PETI) was adopted. The Plan of Action provides not only for the identification of the direct and indirect causes of child labour in Ecuador, but also establishes a conceptual framework that defines the main terms and concepts involved.

80. The principal programmes and measures to be adopted under PETI will focus on seven areas: legal matters, family and community, employment, health, education, institutions, information and awareness-raising.

81. Since 2005, Ecuador has implemented a 10-year Plan of Action for the Comprehensive Protection of Children and Adolescents. The Plan of Action was a joint and participatory effort involving many stakeholders, both from the Government and civil society, who developed 29 policies for the comprehensive protection of children and adolescents, to be carried out by 2014. Of these policies, two address the issue of child labour: Policy No. 18, which is designed to progressively eradicate harmful, dangerous and risky child labour (for children between 5 and 12 years old) and Policy No. 27, which aims at eradicating prohibited and dangerous work and providing protection against work and labour exploitation (for children between 13 and 18 years old).

82. To fulfil its international obligations, the Government of Ecuador committed to developing a National Plan of Action for the Progressive Eradication of Child Labour, which will be carried out by CONEPTI. Within CONEPTI, the National Council for Children and Adolescents acts as the lead agency responsible for developing, overseeing and monitoring compliance with public policies for comprehensive protection with a view to guaranteeing children and adolescents in Ecuador the full enjoyment of their rights.

83. It should be noted that 2,224 children and adolescents were permanently removed from the workforce in 2008, following 3,089 comprehensive labour inspections conducted under the System. As a result of these initiatives, Ecuador is progressively eradicating child labour.

84. Ecuador continues to make significant efforts to compile current statistics on the number of children and adolescents actually involved in child labour, especially prohibited or dangerous activities, which will allow the Government effectively to address the situation. National efforts have also contributed to the development of comprehensive support strategies to improve the living conditions of families affected by child labour and generally to raise awareness about the harmful effects of child labour on the comprehensive development of human beings.

To disseminate the normative framework that views youth as holders of rights and to work to promote their rights through the design of a consensus agenda with a cross-cutting approach to social protection and the rights of youth in various State programmes, in accordance with the principle of non-discrimination against youth and equal opportunity.

85. In fulfilment of this voluntary commitment, on 28 and 29 January 2010, Ecuador launched the National Youth Agenda (2010-2013), which was developed through a participatory process organized by the National Youth Bureau, under the Under-secretariat for Family Protection of the Ministry of Economic and Social Inclusion. The Agenda has three objectives: to apply article 39 of the Constitution; to mainstream the public policy on youth in the public policies of the central government and decentralized autonomous governments; and to promote a culture of enforceability and accountability.

86. The Agenda focuses on the key areas of education, health, employment, justice and the culture of peace, participation mechanisms and institutions.

To disseminate the rights of the elderly based on the 2002 Madrid International Plan of Action on Ageing and the Act on Older Adults.

87. The Ministry of Economic and Social Inclusion is responsible for the gerontology management programme. The programmes under way include the authorization and formal establishment of health care centres for older adults with limited resources.

88. As part of the programme "Feed Yourself Ecuador", the "Seniors" programme seeks to improve the quality of life of its elderly beneficiaries by maintaining or improving their nutritional status.

89. To further these objectives, the Ministry of Health has launched the Programme for the Comprehensive Care of Adults and the Elderly. This Programme's objectives are: to strengthen the institutional response to the needs of the elderly; to provide care in the event of illness or injury; and to train a team of health professionals responsible for providing care to this group.

J. Women's rights

90. The rights of women are enshrined in several articles of the Constitution. The first of these refers to the prohibition of discrimination on the basis of sex. Article 70 provides that the State must seek to establish gender equity between men and women through public policy.

91. The constitutional framework for such policy is contained in articles 156, 157 and 70 of the Constitution, in addition to the sixth transitional provision of the Constitution, which provides for the establishment of national councils for equality, including the Council for Women and Gender Equality, with a structure and functions in accordance with constitutional norms.

92. In order for these new institutions to be created, Executive Decree No. 1733 was issued on 25 May 2009, creating the Transition Committee and mandating it to establish the new institutions designed to ensure equality between women and men.

93. Ecuador is currently carrying out a number of actions and policies for the promotion and protection of women's rights, among which the following should be highlighted: the National Plan to Eradicate Gender Violence against Children, Adolescents and Women; the Plan to Combat Trafficking and Sexual Exploitation; the National Plan to Eradicate Sexual Crimes in Schools; and various other plans and public policies designed to protect women's rights.

To promote effective democracy with equal opportunities for women and men in political participation and representation both through direct elections and designated posts in State agencies, through legal reform and establishment of systems that guarantee action for the exercise of political rights by women.

94. Participation of women in politics has improved considerably. The Elections Organization Act establishes parity of men and women on lists with more than two candidates. Parity must be enforced at all levels of designated posts, representation and decision-making.

95. As a result of this law's application in the most recent elections, the participation of women in the National Legislative Assembly and in town councils has increased. Currently, 32.6 per cent of the members of the National Legislative Assembly are women. There are 13 female Ministers in the presidential cabinet — a record number.

To guarantee the right to a life free of violence through the adoption of measures to prevent, eradicate, criminalize and punish family and gender-based violence by taking an institutional and cross-cutting approach to plans and programmes within State structures, and to promulgate laws giving impetus to the elimination of violence against women, children and adolescents, including the displaced population located on the country's northern border, from an intercultural perspective.

96. In order to fulfil Ecuador's obligation to guarantee a life free of violence and to eradicate such extreme rights violations affecting the lives of women, children and adolescents, the President of the Republic signed Decree No. 620 on 10 September 2007, which provides for the establishment of the National Plan for the Eradication of Gender-Based Violence against Children, Adolescents and Women. The Plan of Action, which is independent and involves all Government institutions active in social and justice-related issues, serves as an umbrella plan for other national plans that works towards similar goals.

97. The Plan of Action has a cross-sectoral and multidisciplinary approach; the Plan was the result of a national assessment of the State's progress in this area. The five strategic priorities of the Plan are:

- Transformation of socio-cultural patterns — awareness-raising initiatives for Ecuadoarian society on the rights and equality of women and the right to a life free of violence.
- Establishment and strengthening of a comprehensive protection system — aimed at guaranteeing the protection and restitution of the rights of victims of gender-based violence and strengthening of these actions.
- Development and implementation of a single data registration system or register of cases of violence, which would supersede the sub-register and

address the lack of awareness of the issue of violence (physical, sexual, psychological, trafficking, exploitation) in Ecuador. The system will help the Government to take decisions, and develop and implement general and sectoral policies that are timely and appropriately designed.

- Access to justice — with a view to reducing impunity and guaranteeing victims of gender-based violence access to free, rapid and expedient justice.
- Institutions — active and adequate for the exercise of rights within the framework of the new Constitution of Ecuador.

98. Much progress has been made in protecting the rights of women, girls and adolescents between 2007 and 2010, including the renovation and equipping of women and family commissariats; consolidated public health-care centres; cantonal boards for comprehensive rights protection; and hospital reception centres offering specialized care.

99. In addition, the Government of Ecuador signed Ministerial Agreement No. 062, establishing the National Plan of Action for the Eradication of Sexual Crimes in the Educational System, and has launched the National Programme for Education on Sexuality and Love, and awareness-raising and capacity-building initiatives in national hospitals, the National and Judicial Police, the judiciary, investigators and women's commissariats with a view to improving the treatment and care of victims of violence.

To develop laws and public policies to prevent and eradicate sexual abuse, assault and exploitation of women, girls and adolescents, whether commercial or under conditions of servitude, including issues relating to sexual and reproductive life.

100. In order to fulfil its commitment to protect the rights of women, Ecuador drafted the National Plan for the Eradication of Gender-Based Violence against Women, Children and Adolescents (2007), a policy essential to the enjoyment of the right to a life free of violence, which contains the commitment of the Government of Ecuador to work to eliminate violence. It includes mechanisms for inter-agency coordination with all levels of the State. Its strategic emphases are the transformation of sociocultural patterns, a system of comprehensive protection, access to justice and a reporting system. Budgetary resources are allocated for that purpose in the Ministries of Health, Education, Government and Economic and Social Inclusion. In 2009, it was complemented by the Regulation on Protection and Comprehensive Services to Victims of Gender, Domestic and Sexual Violence throughout the Life Cycles, and the proposal known as Emergency Shelters for Victims of Sexual Crimes.

101. In addition, the commitment of the Office of the Attorney General of the Nation and the National Police to the implementation of the National Plan to Combat Trafficking in Persons and Sexual Exploitation has been strengthened through the National Plan for the Elimination of Trafficking in and Sexual Exploitation of Children, Adolescents and Women (2006). The Office of the Attorney General established special domestic violence and sexual crimes units (trafficking, sexual violence, sexual exploitation and pornography) in Guayas, Galápagos, Pichincha, El Oro and Manabí, to end impunity for such crimes. It has improved infrastructure in shelters for victims of those crimes and supported increases in personnel and technical equipment for the National Police, which has

created an Anti-Trafficking Unit. As a result, 194 victims of trafficking in persons (commercial sexual exploitation, labour exploitation, begging and child pornography) have been freed and 47 traffickers have been arrested. Efforts are made to make reparations and restore victims' rights.

102. Finally, it is worth highlighting the National Policy on Health and Sexual and Reproductive Rights, which promotes the implementation of and compliance with the rights contained in international instruments and laws, sexual and reproductive health being understood to be related to sexual and reproductive rights and other human rights. Its Action Plan (2005) has provided a framework for the drafting of inter-sectoral Action Plans for Rapid Reduction in Maternal Mortality (2008), Prevention of HIV/AIDS, Prevention of Teenage Pregnancy (2007) and Prevention of Gender-Based Violence. A regulation is also in effect that authorizes the distribution of free emergency contraceptive pills through public health units. The Ministry of Public Health included violence in clinical history reporting and, in 2008, it established regulations governing comprehensive services for the victims of gender-based violence and sexual violence against girls, adolescents and women.

To promote a gender perspective in cultural and intercultural rights, education and quality of life through the establishment of social policies on formal and non-formal education, eradication of illiteracy and training in technical areas and technology, that will bring about change in customs and habits, thereby promoting equality between men and women.

103. This commitment is based on articles 70, 156 and 157 and the sixth transitional provision of the Constitution which stipulate that the Government of Ecuador must formulate and implement policies for gender equality and include a gender perspective in policies, plans, programmes and actions.

104. Achievements include reducing the gaps in access to formal education, thereby reducing drop-out rates among women.

105. Progress by the Government of Ecuador with regard to this commitment includes the 2009 declaration by the Ministry of Education and Cultures that Ecuador is a territory free of illiteracy, in accordance with United Nations Educational, Scientific and Cultural Organization requirements. One of the objectives is to cut women's illiteracy. The Transition Committee of the Council for Women and Gender Equality is working with the Ministry of Education to include a gender perspective in its policies.

106. The Organization Act on the Food Sovereignty Regime, published in Official Register Supplement No. 583 on 5 May 2009, includes the principles of non-discrimination and gender equality and, in addition, promotes participation by women in decision-making processes. Article 4 of the Act provides for gender equality in access to the factors of production. Similarly, article 6 facilitates equal access to land ownership for women producers who are heads of families.

To link Government plans with public policies that promote economic, social and environmental rights and that aim to eliminate the employment inequalities between men and women and to promote appropriate management of environmental resources; and to offer financial and non-financial resources that provide decent living conditions for women and promote their autonomy, paying greater attention to rural women.

107. The rights of women with regard to natural resources, biodiversity, sovereignty and social rights are recognized in the Constitution.

To establish a training plan for officials of the judiciary, the Public Prosecutor's Office, the police and other actors in the criminal justice system to raise awareness and provide appropriate training on the approach to family violence and sexual offences committed against women, girls and adolescents and sexually diverse groups in order to give those groups true access to the criminal justice system.

108. To fulfil this voluntary commitment by Ecuador, the themes of gender and violence have been fully analysed in the training of National Police officers, using the materials produced by the Plan for the Eradication of Gender-Based Violence in the framework of the campaign entitled "Wake up Ecuador, machismo is violence".

109. Similarly, in 2008 a curriculum was designed in Ecuador for the Certificate Course in Gender, Justice and Human Rights. In 2009 and 2010, prosecutors, judges and public defence lawyers, first in Quito and later in Guayaquil and Cuenca, will be put through this course.

K. Rights of persons with diverse sexual orientations

To implement a national system guaranteeing action for equality and non-discrimination on grounds of sexual orientation and gender identity, through the strengthening of institutions for the protection of human rights of women and persons with diverse sexual orientations, as well as the promulgation of norms to combat discrimination on grounds of ethnicity, sexual orientation and gender.

110. Under article 11, paragraph 2, of the Constitution of Ecuador, discrimination on grounds of sex, sexual orientation and gender identity is prohibited. To ensure that those rights are protected, the Constitution establishes a number of regulatory, political and jurisdictional guarantees. One of those guarantees is the obligation for all bodies, regardless of their rank, that issue regulations to ensure that they are in line with constitutional precepts.

111. In addition, the jurisdictional steps necessary to enforce rights in the event of their violation are set out. The main jurisdictional guarantees include habeas corpus, action for access to public information, the writ of habeas data (access to personal data), action for the application of legal rules and action for protection in the event of the violation of rights under the Constitution.

112. Progress in this voluntary commitment made by Ecuador is also described in paragraph 7 of Ecuador's progress report on compliance with the Council's recommendations.

L. Rights of migrants

To follow up on programmes and projects under the National Human Development Plan for Migration.

To establish mechanisms intended to avoid criminalization of migration, such as training workshops for officers posted at the country's entry and exit points.

113. Ecuador's progress in this commitment is described under voluntary commitment No. 15, related to human rights training, in the areas of the movement of persons, trafficking in persons and refugees.

To promote and disseminate the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families through printed matter directed to students in areas with high migration rates; a page in the Web portal www.migranteecuatoriano.gov.ec will also be designed.

114. The subject of migration is of primary national interest. Progress, initiatives and challenges with regard to the promotion and protection of the rights of migrants are presented in the second periodic report of Ecuador to the Committee on the Protection of the Rights of Migrant Workers and Members of Their Families, submitted in September 2009.

115. To meet its commitments to protect the rights of migrant workers and members of their families, Ecuador is undertaking to apply mechanisms to disseminate those rights among Ecuadorian citizens.

M. Rights of persons with disabilities

To implement fully the Convention on the Rights of Persons with Disabilities through its dissemination and the execution of broad and effective public policies for the promotion of the rights of this priority group.

To promote access by persons with disabilities to education, employment, health care, communication and physical space in accordance with the Convention on the Rights of Persons with Disabilities in order to achieve equal opportunities and access to goods and services with a gender perspective.

To promote, from the central Government in coordination with local authorities, the adoption of activities and programmes to ensure that persons with disabilities can live independently and participate fully in all aspects of life, ensuring their access to the physical environment, transportation, information and communication, without obstacles of any type and making possible a country without barriers in both the public and private spheres.

To introduce flexibility in the regulations of public and private bodies for the purpose of ensuring access of persons with disabilities to training and capacity-building programmes in the various professions and specializations, enabling them to find employment; to that effect, compliance with the Regulations on Hiring of Persons with Disabilities in public competitive and merit examinations will be monitored.

To promote, disseminate and raise awareness in society of the rights of persons with visual disabilities through the mass utilization of the Braille system to guarantee their right to information.

To work for the eradication of illiteracy among persons with visual disabilities in marginalized urban areas through the establishment of specialized literacy centres, with international technical and financial support.

To support the strengthening of associations of persons with visual disabilities.

116. Ecuador became a party to the Convention on the Rights of Persons with Disabilities in April 2008. This new commitment to protect those rights has strengthened the country's efforts in the field. As a State party, two years after ratification of this international instrument, it is in the process of preparing the initial report which will describe in detail the steps taken to comply with its obligations in accordance with the Convention, in addition to the initiatives undertaken and progress made in the field.

117. Similarly, Ecuador participates actively on the international front in the various forums in which it has made efforts to promote and protect the rights of persons with disabilities. It has also presented and supported initiatives in this area.

N. Promotion of human rights within the National Police

To modify the method of compiling the criminal record of citizens (police record) to follow the principles of presumption of innocence and the right to honour and good reputation.

118. In this regard, in 2010 Ecuador plans to hold meetings of working groups to comply with this requirement.

To establish a Human Rights and Anti-Corruption Unit within the National Police in order to develop a plan of action for policing addressing the process of receiving complaints and enforcement of judicial and extrajudicial actions for the appropriate follow-up.

119. To meet this commitment, Ecuador's Ministry of Government, Police and Worship developed a proposal to amend the regulations governing the National Police. The proposal included the establishment of a Human Rights and Gender Unit, which endeavours to respond to the recommendations made in this regard. In addition, the Human Rights Violations Investigation Unit has been established to improve the response to related complaints.

120. In 2010, to comply with the international recommendations of both the Committee against Torture and those contained in the decisions of the Inter-American Court of Human Rights, the Government of Ecuador established a unit to investigate complaints of human rights violations. It reviews proceedings involving National Police and Ministry of Government officers to ensure they are punished by the competent bodies for any human rights violations they might have committed.

121. This special technical unit will enable full reviews of proceedings involving human rights violations or acts of discrimination, ill-treatment, xenophobia, homophobia, racism or any other form of discrimination. Similarly, it will enable

reviews to ensure that proceedings and activities carried out (arrests, deportations or operations) meet minimum human rights standards.

122. This unit will develop and promote structural solutions designed to prevent human rights violations from ever happening again and to give victims the proper reparations.

To reform the procedural and reporting manual of the National Police Directorate for Children and Adolescents, in order to harmonize it with international conventions and domestic laws for the protection of children and adolescents.

123. Through its National Police Directorate for Children and Adolescents, in 2009 Ecuador held ongoing meetings with officials from the Office of the Attorney General and the Children and Adolescents' Courts to harmonize procedures and to accelerate administrative procedures.

124. In March 2010, authorities from the National Police Directorate for Children and Adolescents in Pichincha and legal advisers from the National Police held meetings to revise and improve the Procedural and Reporting Manual. This Manual is current and being fully implemented.

To establish a functional system for registration of complaints of human rights violations that will allow information to be compiled effectively, making appropriate use of international standards or classifications of types of violations, with the aim of preventing or punishing human rights violations committed by members of the National Police.

125. Through its Ministry of Government, Police and Worship, the Government of Ecuador has planned and implemented the establishment, development and operation of a computer system designed to develop protocols for complaints of human rights violations and suitable follow-up and verification mechanisms.

126. This system is being completed and will be brought online in 2010. Among other structural actions, it is intended not only to provide effective information on types and methodologies of human rights violations but also will ensure there are suitable mechanisms for the proposal and implementation of structural solutions to prevent and punish such practices.

O. Promotion of human rights within the armed forces

To conduct activities to disseminate and raise awareness on human rights and international humanitarian law.

127. Beginning in March 2010, the Directorate of Human Rights of the Ministry of Defence started work on a human rights curriculum aimed at the armed forces. That process will be disseminated with the support of the Ministry of Justice and Human Rights.

128. In addition, the "Project to align the Armed Forces of Ecuador with International Humanitarian Law" was designed and approved, under the Inter-agency Cooperation Agreement entered into by the Ministry of Defence, the International Committee of the Red Cross and the National Red Cross Society of

Ecuador. A range of activities have also been carried out to train and raise awareness among members of the armed forces in the areas of human rights and international humanitarian law.

To conduct workshops on prevention and eradication of ill-treatment and torture for members of the armed forces.

129. In June 2009, the Ecumenical Human Rights Commission and the Ministry of Defence coordinated six workshops in Ecuador on the prevention and eradication of ill-treatment and torture for members of the armed forces, with the participation of members of the three branches of the armed forces.

To conduct activities including training, mediation and arbitration for the prevention and elimination of family violence.

130. Ecuador has taken steps to comply with this voluntary commitment, establishing a Mediation and Negotiation Centre, through the Ministry of Defence, by a ministerial agreement reached in July 2008.

131. This Mediation and Negotiation Centre, opened in March 2009, is legally recognized as a venue for conflict resolution for members of the armed forces. Drawing on alternative conflict resolution methods, it ensures that the Government of Ecuador contributes to a culture of peace in the military environment.

To advance activities to promote women's rights and gender equality, with emphasis on stable employment, as well as the prevention and elimination of sexual harassment in the workplace.

132. To meet this commitment, Ecuador has taken steps to promote women's rights and gender equality through amendments to the Act and the Regulations pursuant to the Act on Members of the Armed Forces. Suitable rules relating to pregnancy, birth and the post-partum period as related to military functions were included to guarantee stability of employment.

133. In addition, the Transitional Regulation to Guarantee the Principle of Direct and Immediate Application of the Rights of Female Members of the Armed Forces was adopted and enacted.

134. In March 2010, with the support of the United Nations Development Fund for Women, work began on gender-related matters at Ecuador's Ministry of Defence. The goals include gender mainstreaming to include a gender perspective in the armed forces.

To establish a section within the Ministry of Defence for the prevention and control of corruption within the armed forces.

135. The Government of Ecuador, through the competent institutions, has taken steps to meet this commitment.